



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

March 7, 2017

Hon. Scott Pruitt, Administrator
U.S. Environmental Protection Agency
Office of the Administrator, 1101A
1200 Pennsylvania Avenue, N.W.
Washington D.C. 20460

Re: Request to reexamine delegation of certain environmental regulation authority to the States in accordance with the express terms of the Clean Air and Water Acts; from State of Texas, from State of Alabama, from State of Arizona, from State of Arkansas, from State of Georgia, from State of Indiana, from State of Kansas, from State of Kentucky, from State of Louisiana, from State of Mississippi, from State of Missouri, from State of Montana, from State of Nebraska, from State of Nevada, from State of North Dakota, from State of Oklahoma, from State of South Carolina, from State of West Virginia, from State of Wyoming

Dear Administrator Pruitt:

We write to call your attention to the fact that the extensive regulation from the Environmental Protection Agency during the last decade is directly at odds with the express terms and structure of the Clean Air Act and Clean Water Act. We ask that as you assess the performance of your Agency, you do so with a keen eye toward compliance with these governing laws and not repugnance to them.

These federal laws acknowledge basic truths: that the primary regulators of the environment are the States and local governments. The Clean Air Act wastes no time making this point. The very first section states that "air pollution prevention . . . and air pollution control at its source is the primary responsibility of States and local governments." 42 U.S.C. § 7401(a)(3). The Clean Air Act then establishes a preferred method for the federal government to assist States and local governments: "to provide technical and financial assistance to State and local governments in connection with the development and execution of their air pollution prevention and control programs." *Id.* § 7401(b)(3). The Act's terms such as "encourage," "assist," and "promote" envision a collaborative arrangement.¹ As one court summarized,

¹ The Clean Water Act is based on a collaborative framework that is substantially similar to the cooperative arrangement underlying the Clear Air Act. *See, e.g.*, 33 U.S.C. § 1251(b) (providing that the policy of the Clear Water Act is to preserve the "primary responsibilities of States to prevent, reduce, and eliminate" water pollution).

Hon. Scott Pruitt

“[t]he great flexibility accorded the states under the Clean Air Act is ... illustrated by the sharply contrasting, narrow role to be played by EPA.” *Fla. Power & Light Co. v. Costle*, 650 F.2d 579, 587 (5th Cir. 1981).

The methods we have seen from the Agency as of late, however, are in direct conflict with the cooperative arrangement the Act establishes. The Agency has replaced “encourage” and “promote” with “command” and “commandeer.” Take one recent example. Texas formulated a state implementation plan for Regional Haze. That plan imposed reasonable regulations on such things as power generators in the State to ensure air quality was sufficiently high to allow good visibility. The Agency rejected the State’s plan, imposed a federal plan costing \$2 billion without achieving any visibility changes, and tried to insulate itself by requiring Texas to challenge the rejection of its plan in the D.C. Circuit.

Unsurprisingly, the Fifth Circuit rejected the Agency’s attempt to transfer venue and stayed the federal plan.² At that point, the Agency had the opportunity to return to using its authority under the Act—rather than acting on its own. Instead, the Agency imposed a renewed regional haze rule almost as bad as the first.³ These actions show that the Agency ignored the efforts of the State, perhaps blinded by the belief that good results can only result from top down management by the federal government. Or worse, the prior Administration’s agenda and policy goals drove the Agency’s decision rather than the requirements of the statute.

The federal government must respect the clear terms of cooperative federal-state enactments. For example, federal agencies may not add conditions on the receipt of federal funds unless the terms are clearly stated in the controlling statute. *Arlington Cent. Sch. Dist. Bd. of Educ. v. Murphy*, 548 U.S. 291, 296 (2006). And federal agencies may not stray outside the boundaries of their statutory authority by relying on policy documents and other non-statutory materials. *See, e.g., Luminant Generation Co., LLC v. EPA*, 675 F.3d 917, 931 (5th Cir. 2012).

Similarly, the federal government may interpose itself between a State and its municipal subdivisions only if Congress provides a clear directive to do so. *Tennessee v. FEC*, 832 F.3d 597, 610 (6th Cir. 2016). From our perspective, the recent overreach by the Agency amounts to a striking departure from the Clean Air and Clean Water Acts. Respectfully, we ask that you consider the steps that the Agency may take to restore the principles of cooperative federalism embodied in these important statutes.

Sincerely yours,

² *Texas v. United States Envtl. Prot. Agency*, 829 F.3d 405 (5th Cir. 2016).

³ 82 Fed. Reg. 3,078 (Jan. 10, 2017)



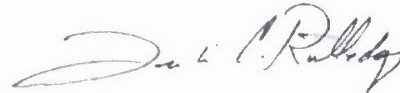
Ken Paxton
Attorney General of Texas



Stephen T. Marshall
Attorney General of Alabama



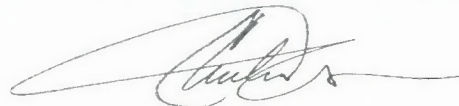
Mark Brnovich
Attorney General of Arizona



Leslie Rutledge
Attorney General of Arkansas



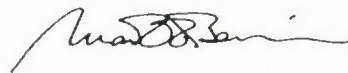
Christopher Carr
Attorney General of Georgia



Curtis T. Hill, Jr.
Attorney General of Indiana



Derek S. Schmidt
Attorney General of Kansas



Matt Bevin
Governor of Kentucky



Jeff Landry
Attorney General of Louisiana



Phil Bryant
Governor of Mississippi



John Hawley
Attorney General of Missouri



Tim Fox
Attorney General of Montana



Douglas Peterson
Attorney General of Nebraska



Adam Paul Laxalt
Attorney General of Nevada

Hon. Scott Pruitt



Wayne Stenehjem
Attorney General of North Dakota



Mike Hunter
Attorney General of Oklahoma



Alan Wilson
Attorney General of South Carolina



Patrick Morrissey
Attorney General of West Virginia



Peter Michael
Attorney General of Wyoming

cc: Hon. Jeff Sessions, United States Attorney General



COMMONWEALTH OF KENTUCKY
OFFICE OF THE GOVERNOR

MATTHEW G. BEVIN
GOVERNOR

700 CAPITOL AVENUE
SUITE 100
FRANKFORT, KY 40601
(502) 564-2611
FAX: (502) 564-2517

March 29, 2017

Mr. Scott Pruitt
United States Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20202

Dear Scott:

The 143rd world-renowned Kentucky Derby will be held on Saturday, May 6, 2017, in Louisville, Kentucky. This year's "Run for the Roses" will be the highlight of a fun-filled weekend in the Commonwealth. Glenna and I invite you and Marlyn to be our honored guests and share in the excitement of this unique and festive time of the year in Kentucky.

Our 2017 Derby weekend will kick-off on Friday evening, May 5, with a black-tie Derby Eve Celebration at the Governor's Mansion. We will showcase some of the best products that Kentucky has to offer from our signature bourbon, food, and wine industries.

On Saturday, May 6, our guests will travel to Louisville, where we will enjoy an afternoon of racing on Millionaire's Row at Churchill Downs. Before the running of the Derby, also known as the "Most Exciting Two Minutes in Sports," the horses step onto the track for the post parade and 160,000 people sing along as the University of Louisville Marching Bank strakes up Stephen Foster's, "My Old Kentucky Home."

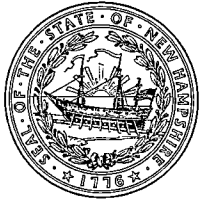
At the conclusion of the race, we will travel to Jim Beam American Stillhouse for dinner and a brief tour where you may assist with filling your own bottle of Knob Creek bourbon.

We hope that you will be able to join us for what is sure to be a most memorable weekend in Kentucky. Glenna and I look forward to hearing from you.

Sincerely,

A handwritten signature in black ink, appearing to read "Matthew G. Bevin".

Matthew G. Bevin
Governor



**STATE OF NEW HAMPSHIRE
OFFICE OF THE GOVERNOR**

CHRISTOPHER T. SUNUNU
Governor

January 24, 2018

Scott Pruitt, Administrator
USEPA Headquarters
William Jefferson Clinton Building
1200 Pennsylvania Avenue, N. W.
Mail Code: 1101A
Washington, DC 20460

Dear Administrator Pruitt,

I am writing regarding a meeting I recently had with the Great Bay Coalition, a group consisting of the cities of Rochester, Portsmouth and Dover, New Hampshire. I met with them at their request to discuss the tremendous effort the Coalition cities have made to reduce nutrient discharges from their respective wastewater treatment facilities (WWTF) and stormwater as well as their concerns and frustrations with EPA Region 1 permitting staff regarding the wastewater NPDES permits for these communities.

In the past, Region 1 has suggested that they intend to impose limits of technology in their NPDES wastewater permits for nutrients – that is, 3 mg/l for Total Nitrogen (TN) discharges. As I understand it, EPA has assumed that these low nutrient limits are necessary to restore eelgrass in the Great Bay Estuary (GBE). However, several national experts that have looked specifically at this issue have found that there is currently not enough information to make the determination that nitrogen is the primary factor in eelgrass degradation. More data and scientific study are needed to fully understand the state of the GBE.

The Coalition cities have voluntarily implemented significant nitrogen reductions to their wastewater discharges as part of an adaptive management strategy to test the estuary's response to the reductions before spending tens of millions of dollars to achieve further reductions. Rochester, for example, has taken steps to reduce total nitrogen (TN) discharges by more than 80% from historic levels, from averaging 40 mg/l or higher to below 10 mg/l and have achieved below 8 mg/l during summer months. Rochester has also seen impressive total phosphorus (TP) reductions of about 60% for the 2015 growing season compared with prior average levels. The City of Dover constructed an upgrade to its WWTF that came on-line in September 2015. Its TN effluent concentration has dropped from 23 mg/l to less than 8 mg/l during the growing season. The Towns of Newmarket, Durham, and Exeter have or are in the process of implementing TN reduction at their wastewater plants that discharge to the GBE. I understand that these and other load reductions have resulted in improvements to ambient TN levels in GBE approaching or even meeting those levels that may be fully protective of eelgrass populations.

The City of Portsmouth entered into a consent decree with EPA to upgrade its Pierce Island WWTF that includes an action level to operate to meet a seasonal 8 mg/l TN once its \$92 million treatment system is fully operational in April 2020. In the meantime, Portsmouth has an immediate need to upgrade its second WWTF at the Pease International Tradeport in order to upgrade aging facilities and accommodate the significant growth of a major regional employer located at the Pease International Tradeport. That design and construction effort is hindered by EPA's potential requirements to meet a limit of technology permit for TN.

107 North Main Street, State House - Rm 208, Concord, New Hampshire 03301
Telephone (603) 271-2121 • FAX (603) 271-7640
Website: <http://www.governor.nh.gov/> • Email: governorsununu@nh.gov
TDD Access: Relay NH 1-800-735-2964

If EPA imposes these low nutrient limits at its WWTF, it will cost the City of Rochester more than \$22 million for facility upgrades, plus a million dollars or more a year in operational costs. Those costs would double its sewer rates to residents and businesses. Large industrial users in the City may decide to relocate for cheaper costs, further increasing the rates for remaining residents and businesses. Dover and Portsmouth face similar concerns if forced to do further upgrades to their facilities to meet a 3 mg/l TN limit. Given the experts' acknowledged lack of data to support the need for additional nitrogen reduction, I can understand why these communities question the benefit of incurring these costs.

At a recent meeting, the Commissioner of the NH Department of Environmental Services, Bob Scott, stated that what was important was the water quality improvements to the environment, not from where the improvements come. Use of limit of technology standards for WWTFs where more environmentally beneficial solutions could be found through other venues at less cost is counterproductive and unnecessarily burdensome.

New Hampshire's communities have a long and proud history of protecting our precious natural resources, including our many lakes, rivers, and bays. The Coalition communities have demonstrated a willingness to take appropriate actions to improve water quality in the Great Bay Estuary, and those actions should be appropriately recognized.

I had previously reached out to your office to request that when a Regional Administrator for Region 1 was confirmed that they meet with our towns over this issue. I was happy to learn that newly confirmed Region 1 Administrator Dunn and Assistant Administrator Ross are coming to New Hampshire to meet with members of the Great Bay Coalition. This is an important issue for New Hampshire and I appreciate quick engagement with our communities.

I further invite you to visit New Hampshire, for a discussion focused on how we can find smart ways to protect our environment that doesn't shut down the economy. I believe we can develop a sensible and scientifically based approach that recognizes the tremendous progress these communities have made protects our environment and provides the resources to our communities so that they can continue with a sustainable and balanced approach to protecting the estuary.

Sincerely,



Christopher T. Sununu
Governor

CC EPA Region 1 Administrator Dunn
EPA Assistant Administrator Ross



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

March 1, 2017

RECEIVED
2017 MAR -7 AM 11:36
OFFICE OF THE
EXECUTIVE SECRETARIAT

Hon. Scott Pruitt, Administrator
U.S. Environmental Protection Agency
Office of the Administrator, 1101A
1200 Pennsylvania Avenue, N.W.
Washington D.C. 20460

Re: Request to Suspend and Withdraw the Environmental Protection Agency's Information Collection Request for Existing Oil and Gas Facilities, EPA ICR No. 2548.01; from the State of Texas, from the State of Alabama, from the State of Arizona, from the State of Kansas, from the State of Kentucky, from the State of Louisiana, from the State of Mississippi (by and through the governor), from the State of Montana, from the State of Oklahoma, from the State of South Carolina, and from the State of West Virginia

Dear Administrator Pruitt:

We write to express our concern with the pending Information Collection Request (Request) for Oil and Gas Facilities, EPA ICR No. 2548.01, and request that it be suspended and withdrawn. The information request was issued on November 10, 2016 and requires oil and natural gas companies to provide voluminous information and survey responses in support of the Obama Administration's initiatives to impose onerous requirements upon industry to reduce emissions of greenhouse gasses, such as methane.

As you are aware, 15 States, as well as industry partners, challenged the Obama Administration's attempts to govern emissions of greenhouse gasses from a broad spectrum of new facilities within the oil and natural gas sector. See *North Dakota v. EPA*, Case No. 16-1242 (D.C. Cir.); *State of Texas v. EPA*, Case No. 16-1257 (D.C. Cir.); *State of West Virginia v. EPA*, Case No. 16-1242 (D.C. Cir.).¹ These matters were recently consolidated with pending challenges to the Obama Administration's earlier rules targeting emissions of other compounds from oil and natural gas facilities. See *Am. Petroleum Inst. v. EPA*, Case No. 13-1108, and consolidated cases. The litigation in these matters has just begun, but it relates to a common theme from the Obama Administration—the issuance of onerous regulations

¹ The States that are in this pending litigation are: Alabama, Arizona, Kansas, Kentucky, Louisiana, Michigan, Montana, North Carolina, North Dakota, Ohio, Oklahoma, South Carolina, Texas, West Virginia, and Wisconsin.

and requirements in support of an overall climate agenda targeting multiple industry sectors that will create an economic drag on our nation's economy with dubious environmental benefit. We also disagree with EPA's assumption that it possesses clear authority to regulate methane under section 111(d) of the Clean Air Act without a specific methane endangerment finding.

This information request furthers the previous administration's climate agenda and supports the next and most onerous phase of the Obama Administration's regulations targeting the oil and gas industry—the imposition of burdensome climate rules on existing sites, the cost and expense of which will be enormous. The burden of the Request is disproportionate to its benefit. We believe the EPA's requests to be an unnecessary and onerous burden on oil and gas producers that is more harassment than a genuine search for pertinent and appropriate information. Among the 114 inquiries of the Request, many state regulatory agencies already have up-to-date records and data available and responsive to many of the EPA requests. And yet the EPA has not adequately attempted to work with state agencies to develop less burdensome avenues to acquire much of the data sought. For other information sought in the Request, oil and gas producers are required to gather data and information that does not provide an environmental benefit.

The EPA's own estimates claim the industry cost of responding to the Request is about \$42 million: \$18 million to respond to the operator survey and \$24 million to respond to the more detailed facility survey, or between \$1,100 and \$5,800 for each company to respond to and complete the Request. Experience indicates that the true cost and burden is undoubtedly much higher and comes at a time when the oil and gas industry is recovering from its most significant economic downturn in decades. Many of the companies can ill-afford the time and expense to comply with yet another empty regulatory burden.

We hope that the burdensome Obama climate rules never see the light of day, which is why we ask that this Information Collection Request be suspended and withdrawn. At a minimum, we suggest that the EPA: (1) grant a 180-day extension for any required response; (2) take no enforcement against companies that do not respond; (3) allow companies to use "best estimate" data and information; and (4) work with state regulatory agencies to acquire pertinent and appropriate information.

We appreciate that the Administration has many priorities and that this request may require additional deliberation. Please consider an immediate suspension of the Information Collection Request pending internal review by the EPA concerning whether it should withdraw the Request.

We appreciate your prompt consideration to this matter.

Sincerely,



Ken Paxton
Attorney General of Texas



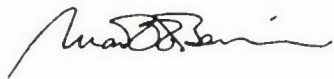
Steven T. Marshall
Attorney General of Alabama



Mark Brnovich
Attorney General of Arizona



Derek Schmidt
Attorney General of Kansas



Matt Bevin
Governor of Kentucky



Jeff Landry
Attorney General of Louisiana



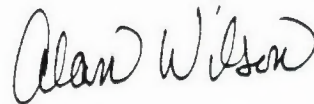
Phil Bryant
Governor of Mississippi



Tim Fox
Attorney General of Montana



Mike Hunter
Attorney General of Oklahoma



Alan Wilson
Attorney General of South Carolina



Patrick Morrissey
Attorney General for West Virginia

Hon. Scott Pruitt
Page 4

cc: Hon. Jeff Sessions, United States Attorney General



E. SCOTT PRUITT
ADMINISTRATOR

May 4, 2017

The Honorable Matthew G. Bevin
Governor of Kentucky
700 Capitol Avenue, Suite 100
Frankfort, KY 40601

Dear Governor Bevin,

Thank you for your letter of March 29, 2017, and for your kind invitation to visit the 143rd Kentucky Derby. Unfortunately, Marlyn and I won't be able to attend the Kentucky Derby this year. We've attended in the past and always enjoy the "Most Exciting Two Minutes in Sports." It's great fun!

I am thankful for your friendship and applaud your leadership in Kentucky. Thanks for taking care of our people! Please always feel free to contact me or Troy Lyons, Associate Administrator for Congressional and Intergovernmental Relations, at (202) 564- 5200.

Blessings,

A handwritten signature in blue ink, appearing to read "Scott", is written over a large, stylized blue line that extends from the left margin across the page.

E. Scott Pruitt

*I so appreciate your
leadership in friendship...
Respond my friend!*



E. SCOTT PRUITT
ADMINISTRATOR

November 6, 2017

The Honorable Chris Sununu
Governor of New Hampshire
107 North Maine Street
Concord, New Hampshire 03301

Dear Governor Sununu:

I am writing to inform you that, consistent with your recommendations, the U.S. Environmental Protection Agency has determined that air quality in New Hampshire meets the 2015 ground-level ozone standards. As such, we are designating all of New Hampshire "unclassifiable/attainment." This is good news for the citizens of New Hampshire. I encourage you to continue your efforts to maintain air quality that meets the 2015 ozone standards.

Improved air quality is a shared goal and together, we have made considerable progress to reduce ozone levels throughout the country. As a testament to cooperative federalism, monitored levels of ozone have dropped 22 percent since 1990. Increasingly important is the recognition of and improved understanding regarding external elements that can impact a state's ability to achieve compliance, including background ozone, international transport and exceptional events. The agency intends to give appropriate consideration to these and many other factors in our continued conversation and work with you and your state staff on the 2015 ozone standards. I appreciate the information already provided and look forward to continued engagement on this important issue.

If you have questions or concerns, please contact me or your staff may contact Troy Lyons, Associate Administrator for the Office of Congressional and Intergovernmental Relations, at lyons.troy@epa.gov or at (202) 564-5200.

Respectfully yours,

A handwritten signature in black ink, which appears to read "E. Scott Pruitt", is written over a large, stylized, looping flourish.

E. Scott Pruitt



E. SCOTT PRUITT
ADMINISTRATOR

November 6, 2017

The Honorable Phil Scott
Governor of Vermont
109 State Street
Montpelier, Vermont 05609

Dear Governor Scott:

I am writing to inform you that, consistent with your recommendations, the U.S. Environmental Protection Agency has determined that air quality in Vermont meets the 2015 ground-level ozone standards. As such, we are designating all of Vermont "unclassifiable/attainment." This is good news for the citizens of Vermont. I encourage you to continue your efforts to maintain air quality that meets the 2015 ozone standards.

Improved air quality is a shared goal and together, we have made considerable progress to reduce ozone levels throughout the country. As a testament to cooperative federalism, monitored levels of ozone have dropped 22 percent since 1990. Increasingly important is the recognition of and improved understanding regarding external elements that can impact a state's ability to achieve compliance, including background ozone, international transport and exceptional events. The agency intends to give appropriate consideration to these and many other factors in our continued conversation and work with you and your state staff on the 2015 ozone standards. I appreciate the information already provided and look forward to continued engagement on this important issue.

If you have questions or concerns, please contact me or your staff may contact Troy Lyons, Associate Administrator for the Office of Congressional and Intergovernmental Relations, at lyons.troy@epa.gov or at (202) 564-5200.

Respectfully yours,

A handwritten signature in black ink, which appears to read "Scott Pruitt", is written over a horizontal line.

E. Scott Pruitt



The Administrator
Washington, D. C. 20460
JUN 12 2017

Dear Governor -

Sorry I missed your recent visit to the Agency... Hope your meeting went well and we were able to assist you! Good luck to you and if I can be of help, let me know.

A handwritten signature in black ink, appearing to read "Scott", with a long horizontal line extending from the end.

Internet Address (URL) • <http://www.epa.gov>

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Governor Sununu
Office of the Governor
107 North Main Street
Concord, NH 03301



E. SCOTT PRUITT
ADMINISTRATOR

September 7, 2017

The Honorable Kay Ivey
Governor of Alabama
State Capitol
600 Dexter Avenue
Montgomery, Alabama 36130

The Honorable Nathan Deal
Governor of Georgia
206 Washington Street
111 State Capitol
Atlanta, Georgia 30334

The Honorable Larry Hogan
Governor of Maryland
100 State Circle
Annapolis, Maryland 21401

The Honorable Phil Bryant
Governor of Mississippi
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Jackson, Mississippi 39205

The Honorable Roy Cooper
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Raleigh, North Carolina 27699

The Honorable Henry McMaster
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The Honorable Bill Haslam
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The Honorable Terry McAuliffe
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Richmond, Virginia 23219

The Honorable Greg Abbott
Governor of Texas
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The Honorable John Bel Edwards
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Office of the Governor
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Baton Rouge, Louisiana 70804

The Honorable Rick Scott
Governor of Florida
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Tallahassee, Florida 32399-0001

The Honorable Bruce Rauner
Governor of Illinois
State Capitol
207 Statehouse
Springfield, Illinois 62706



The Honorable Muriel Bowser
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Washington, D.C. 20004

The Honorable Eric Holcomb
Governor of Indiana
State House
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Indianapolis, Indiana 46204-2797

The Honorable Sam Brownback
Governor of Kansas
Capitol
300 SW 10th Avenue, Suite 212S
Topeka, Kansas 66612-1590

The Honorable Matt Bevin
Governor of Kentucky
700 Capitol Ave., Suite 100
Frankfort, Kentucky 40601

The Honorable Rick Snyder
Governor of Michigan
P.O. Box 30013
Lansing, Michigan 48909

The Honorable Mark Dayton
Governor of Minnesota
130 State Capitol
75 Rev. Dr. Martin Luther King, Jr.
Boulevard
St. Paul, Minnesota 55155

The Honorable Eric Greitens
Governor of Missouri
Capitol Building
Room 216, P.O. Box 720
Jefferson City, Missouri 65102

The Honorable Pete Ricketts
Governor of Nebraska
P.O. Box 94848
Lincoln, Nebraska 68509-4848

The Honorable John Kasich
Governor of Ohio
30th Floor
77 South High Street
Columbus, Ohio 43215

The Honorable Mary Fallin
Governor of Oklahoma
Capitol Building
2300 Lincoln Blvd., Rm. 212
Oklahoma City, Oklahoma 73105

The Honorable Dennis Daugaard
Governor of South Dakota
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Pierre, South Dakota 57501

The Honorable Scott Walker
Governor of Wisconsin
115 East State Capitol
Madison, Wisconsin 53707

The Honorable Dan Malloy
Governor of Connecticut
210 Capitol Avenue
Hartford, Connecticut 06106

The Honorable Paul LePage
Governor of Maine
#1 State House Station
Augusta, Maine 04333

The Honorable Charlie Baker
Governor of Massachusetts
State House
Office of the Governor, Room 360
Boston, Massachusetts 02133

The Honorable Chris Sununu
Governor of New Hampshire
Office of the Governor
107 North Main Street, Room 208
Concord, New Hampshire 03301

The Honorable Gina Raimondo
Governor of Rhode Island
State House
Providence, Rhode Island 02903

The Honorable Phil Scott
Governor of Vermont
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Pavilion Office Building
Montpelier, Vermont 05609

The Honorable John Carney
Governor of Delaware
Legislative Hall
Dover, Delaware 19901

The Honorable Chris Christie
Governor of New Jersey
The State House
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Trenton, New Jersey 08625

The Honorable Andrew Cuomo
Governor of New York
State Capitol
Albany, New York 12224

The Honorable Tom Wolf
Governor of Pennsylvania
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Main Capitol Building
Harrisburg, Pennsylvania 17120

The Honorable Jim Justice
Governor of West Virginia
1900 Kanawha Street
Charleston, West Virginia 25305

The Honorable Asa Hutchinson
Governor of Arkansas
State Capitol
Room 250
Little Rock, Arkansas 72201

The Honorable Kim Reynolds
Governor of Iowa
State Capitol
Des Moines, Iowa 50319-0001

The Honorable Doug Burgum
Governor of North Dakota
Dept. 101
600 E. Boulevard Ave.
Bismarck, North Dakota 58505-0001

The Honorable Susana Martinez
Governor of New Mexico
State Capitol
Fourth Floor
Santa Fe, New Mexico 87501

Re: September 7, 2017 Fuel Waiver Concerning Conventional and Reformulated Gasoline in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont, Delaware, Maryland, New Jersey, New York, Pennsylvania, Florida, Georgia, North Carolina, South Carolina, Virginia, West Virginia, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Wisconsin, Alabama, Arkansas, Louisiana, Mississippi, New Mexico, Texas, and the District of Columbia

Dear Governors and Mayor Bowser:

On August 31, 2017, following damage caused by Hurricane Harvey, I waived certain requirements of the Clean Air Act (CAA) relating to the sale, distribution and use of reformulated gasoline (RFG) and low volatility conventional gasoline in your states to address fuel supply emergencies caused by Hurricane Harvey. I have received requests by some of you or on your behalf regarding the continuing need for a waiver of the RFG requirements and the unique low volatility requirements in the Texas State Implementation Plan (SIP) that apply after the waiver period covered by my August 31, 2017 letter.

In response to these requests, and based on our evaluation of the continuing effects of Hurricane Harvey on the nation's fuel supply system and the effects of large-scale evacuations in response to Hurricane Irma, the U.S. Environmental Protection Agency has determined, and the U.S. Department of Energy concurs, that it is necessary to take further action to minimize or prevent the disruption of an adequate supply of gasoline in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont, Delaware, Maryland, New Jersey, New York, Pennsylvania, Florida, Georgia, North Carolina, South Carolina, Virginia, West Virginia, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Wisconsin, Alabama, Arkansas, Louisiana, Mississippi, New Mexico, Texas, and the District of Columbia. ("designated states and D.C.")¹

As a result of Hurricane Harvey, about 14 refineries in the Gulf-area were shut down, pipelines originating in the Gulf-area that serve the south, southeast, mid-Atlantic, and mid-west states were disrupted due to storm damage, and ports that supply crude oil to Gulf-area refineries were closed. The designated states and D.C. receive a significant percentage of their gasoline supplies from the Gulf-area refineries and through the pipelines originating in the Gulf-area. Although parties in the fuel production and supply chain are making progress towards resuming normal operations, there continues to be limited production and availability of fuel to areas both within and outside of the Gulf-area. Currently six of those refineries remain shut-down, and many others are in the process of re-starting or operating at reduced capacity. While ports serving these refineries are beginning to re-open, most have restrictions limiting shipments. The refinery shut-downs, production curtailments, limited shipments of fuel by barge in the Gulf area, pipeline limitations caused by Hurricane Harvey and evacuations caused by Hurricane Irma are continuing

¹ These areas are located in Petroleum Administration for Defense Districts 1-3.

to create a shortage of compliant fuel for the designated states and D.C.

These supply shortages can be reduced by waiving the low volatility gasoline requirements, the RFG requirements, and provisions at 40 C.F.R. § 80.78(a)(7) that prohibit any person from combining any RFG blendstock for oxygenate blending with any other gasoline, blendstock, or oxygenate, unless certain conditions are met.

I have determined that an “extreme and unusual fuel [] supply circumstance” exists that will prevent the distribution of an adequate supply of gasoline to consumers. CAA § 211(c)(4)(C)(ii)(I), 42 U.S.C. § 7545(c)(4)(C)(ii)(I). This extreme and unusual fuel circumstance is the result of Hurricane Harvey and impending impact of Hurricane Irma, natural disasters that could not reasonably have been foreseen or prevented, and is not attributable to a lack of prudent planning on the part of suppliers of the fuel to these areas. CAA § 211(c)(4)(C)(ii)(II), 42 U.S.C. § 7545(c)(4)(C)(ii)(II). Furthermore, I have determined that it is in the public interest to grant this waiver and that this waiver applies to the smallest geographic area necessary to address the fuel supply circumstances. CAA § 211(c)(4)(C)(ii)(III) and (iii)(I), 42 U.S.C. § 7545(c)(4)(C)(ii)(III) and (iii)(I).

The EPA, in consultation with DOE, has evaluated the impact of disruption of the fuel production and distribution system on fuel supply in the designated states and D.C. Based on this evaluation, the EPA has determined, and DOE concurs, that it is necessary to take the following action to minimize or prevent further disruption of an adequate supply of gasoline to consumers in these areas.

Federal RVP Standards

I am issuing this waiver of the federal Reid vapor pressure (RVP) requirements at 40 C.F.R. § 80.27 in the designated states to minimize or prevent problems with the supply of gasoline to these areas. Under this temporary waiver, regulated parties may produce, sell or distribute winter gasoline within the designated states. This waiver is effective immediately and will continue through September 15, 2017. Since the waiver will be in effect until the end of the high ozone season, this waiver does not address downstream standards under the federal RVP requirements at 40 C.F.R. § 80.27 that apply after September 15, 2017.

Texas Low Volatility SIP

I am extending the waiver of the 7.8 pounds per square inch (psi) RVP standards that applies to the areas covered by the Texas low-volatility gasoline programs in the federally-enforceable SIP. The Texas SIP includes two different programs. First, the SIP requires gasoline to be sold in 95 eastern Texas counties (Eastern Texas SIP RVP Counties) to have a maximum RVP of 7.8 psi during the summer “high ozone” season, which starts June 1, 2017 and ends on October 1, 2017. 66 Fed. Reg. 20,927 (April 26, 2001).² Second, the Texas SIP requires gasoline

² The following 95 eastern Texas counties have a 7.8 psi RVP requirement through October 1, 2017: Anderson,

sold in El Paso County to have a maximum RVP of 7.0 psi RVP through September 16, 2017. 60 Fed. Reg. 12,438 (March 7, 1995).

I am issuing this waiver of the low RVP gasoline requirements that apply to the federally enforceable Texas low volatility gasoline programs. This waiver is effective immediately. Under this temporary waiver, regulated parties may produce, sell or distribute winter gasoline within the state of Texas.

The waiver of the low RVP requirements in the Texas SIP that apply to El Paso County will continue through September 16, 2017. Since the waiver will be in effect until the end of the time period that requires the use of low volatility gasoline in El Paso county under the Texas SIP, this waiver does not address downstream standards that apply in El Paso county after September 16, 2017.

The waiver of the low RVP requirements in the Texas SIP that apply to the Eastern Texas SIP Counties will continue through September 26, 2017. After September 26, 2017, refiners and importers may not produce or import gasoline that does not meet the Texas SIP requirements for distribution into the Eastern Texas SIP RVP Counties. However, any gasoline for use in the Eastern Texas SIP RVP Counties that is in the distribution system on September 26, 2017, may be distributed and sold until the supply is depleted. Gasoline that is in the possession of parties in the fuel distribution system other than retailers and wholesale purchaser-consumers must meet the low RVP requirements of the Texas SIP by no later than October 26, 2017. Retailers and wholesale purchaser-consumers may continue selling or dispensing gasoline produced under the waiver until their supplies are depleted.

Other Federally-Enforceable SIP Covered Areas

Some of the designated states have federally-enforceable SIPs that require the use of low-volatility gasoline. I am issuing this waiver of all low volatility gasoline requirements in any SIP that applies in the designated states (other than Texas which is addressed above) to minimize or prevent problems with the supply of gasoline to these areas. This waiver is effective immediately and will continue through September 15, 2017. Since the waiver will be in effect until the end of the high ozone season, this waiver does not address downstream RVP standards that apply after September 15, 2017.

Angelina, Aransas, Atascosa, Austin, Bastrop, Bee, Bell, Bexar, Bosque, Bowie, Brazos, Burleson, Caldwell, Calhoun, Camp, Cass, Cherokee, Colorado, Comal, Cooke, Coryell, De Witt, Delta, Ellis, Falls, Fannin, Fayette, Franklin, Freestone, Goliad, Gonzales, Grayson, Gregg, Grimes, Guadalupe, Harrison, Hays, Henderson, Hill, Hood, Hopkins, Houston, Hunt, Jackson, Jasper, Johnson, Karnes, Kaufman, Lamar, Lavaca, Lee, Leon, Limestone, Live Oak, Madison, Marion, Matagorda, McLennan, Milam, Morris, Nacogdoches, Navarro, Newton, Nueces, Panola, Parker, Polk, Rains, Red River, Refugio, Robertson, Rockwall, Rusk, Sabine, San Jacinto, San Patricio, San Augustine, Shelby, Smith, Somervell, Titus, Travis, Trinity, Tyler, Upshur, Van Zandt, Victoria, Walker, Washington, Wharton, Williamson, Wilson, Wise, and Wood.

Reformulated Gasoline

I am issuing this waiver of the federal RFG requirements in the designated states and D.C. Under this waiver, the EPA will allow regulated parties to produce, sell or distribute conventional winter gasoline (including gasoline blendstock for oxygenate blending (BOBs)) in any RFG covered area within the designated states and D.C. Additionally, I am waiving the provisions at 40 C.F.R. § 80.78(a)(7) that prohibit any person from combining any RFG BOBs with any other gasoline, blendstock, or oxygenate, unless certain conditions are met. This waiver covers the prohibitions at 40 C.F.R. § 80.78(a)(7), and applies to all designated states and D.C.³

This waiver is effective immediately and will continue through September 26, 2017. After September 26, 2017, refiners and importers may not produce or import CG for distribution into RFG covered areas in the designated states and D.C. However, any gasoline for use in the designated states and D.C. that is in the distribution system on September 26, 2017, may be distributed and sold until the supply is depleted. Gasoline that is in the possession of parties in the fuel distribution system other than retailers and wholesale purchaser-consumers must meet the RFG requirements by no later than October 26, 2017. Retailers and wholesale purchaser-consumers may continue selling or dispensing gasoline produced under the waiver until their supplies are depleted.

This waiver supersedes my August 31, 2017 waiver, and only applies to the applicable federal requirements cited above for the designated states and D.C. Other state or local requirements or restrictions related to this matter may need to be addressed by the appropriate authorities. Should conditions warrant, this waiver may be modified, terminated or extended, as appropriate. If you have questions you may call me, or your staff may call Phillip Brooks at (202) 564-0652.

Respectfully yours,



E. Scott Pruitt

cc: The Honorable Rick Perry, Secretary of Energy
Richard Hyde, P.E., Executive Director, Texas Commission on Environmental Quality
Dr. Chuck Carr Brown, Secretary, Louisiana Department of Environmental Quality

³Since I have waived the RVP requirements in 40 C.F.R. § 80.27 and in low RVP SIPs in the designated states, parties who blend butane into previously certified conventional gasoline during the waiver period do not need to conduct the sampling and testing at 40 C.F.R. § 80.82(e)(1). Since I have waived the requirement to sell RFG in the designated states and D.C. during the waiver period, the prohibitions at 40 C.F.R. § 80.82(e)(2) also do not apply during this time period.

Richard E. Dunn, Director, Georgia Environmental Protection Division
Jeffery F. Koerner, Director, Florida Division of Air Resource Management
Molly Joseph Ward, Virginia Secretary of Natural Resources
Michael J. Teague, Oklahoma Secretary of Energy and Environment
Becky W. Keogh, Director, Arkansas Department of Environmental Quality



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

THE ADMINISTRATOR

March 30, 2017

The Honorable Matt Bevin
Governor of Kentucky
700 Capitol Avenue
Suite 100
Frankfort, Kentucky 40601

Dear Governor Bevin:

On February 9, 2016, the Supreme Court of the United States stayed implementation of the Clean Power Plan (CPP) effectively "suspend[ing] administrative alteration of the status quo." *Nken v. Holder*, 556 U.S. 418, 428 n.1 (2009). Further, pursuant to the Administrative Procedure Act, the Supreme Court has authority to "issue all necessary and appropriate process to postpone the effective date of an agency action or to preserve status or rights pending conclusion of the review proceedings." 5 U.S.C. § 705.

Under that precedent, States and other interested parties have neither been required nor expected to work towards meeting the compliance dates set in the CPP. It is the policy of the Environmental Protection Agency (EPA) that States have no obligation to spend resources to comply with a Rule that has been stayed by the Supreme Court of the United States. To the extent any deadlines become relevant in the future, case law and past practice of the EPA supports the application of day-to-day tolling.

The days of coercive federalism are over. Accordingly, I look forward to working with you, your state experts and local communities as we develop a path forward to improve our environment and bolster the economy in a manner that is respectful of and consistent with the rule of law.

Respectfully yours,

A handwritten signature in black ink, which appears to read "Scott Pruitt", is written over the typed name. The signature is stylized with a large, sweeping initial "S" and a long horizontal line extending to the right.

E. Scott Pruitt



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

THE ADMINISTRATOR

March 30, 2017

The Honorable Chris Sununu
Governor of New Hampshire
Office of the Governor
25 Capitol Street, Room 212
Concord, New Hampshire 3301

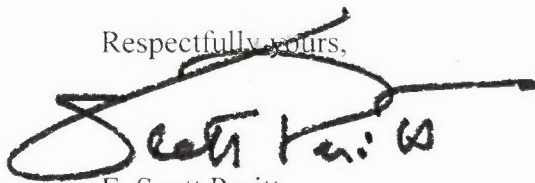
Dear Governor Sununu:

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Respectfully yours,



E. Scott Pruitt



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

THE ADMINISTRATOR

March 30, 2017

The Honorable Phil Scott
Governor of Vermont
109 State Street
Pavilion Office Building
Montpelier, Vermont 5609

Dear Governor Scott:

On February 9, 2016, the Supreme Court of the United States stayed implementation of the Clean Power Plan (CPP) effectively "suspend[ing] administrative alteration of the status quo." *Nken v. Holder*, 556 U.S. 418, 428 n.1 (2009). Further, pursuant to the Administrative Procedure Act, the Supreme Court has authority to "issue all necessary and appropriate process to postpone the effective date of an agency action or to preserve status or rights pending conclusion of the review proceedings." 5 U.S.C. § 705.

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Respectfully yours,

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E. Scott Pruitt



THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

April 28, 2017

The Honorable Matt Bevin
700 Capitol Avenue
Suite 100
Frankfort, Kentucky 40601

Dear Governor Bevin:

I am writing to inform you about steps the U.S. Environmental Protection Agency (EPA) is taking to implement new authority for authorizing state coal combustion residual (CCR) management permit programs provided by section 2301 of the Water Infrastructure Improvements for the Nation Act (WIIN Act), P.L. 114-322. The successful implementation of this authority will require cooperation between EPA and state technical experts, the regulated community, and other stakeholders. I know that some states have already discussed with EPA how they manage CCR, and I encourage you to continue those efforts and work with EPA to submit your program applications for approval in a timely manner. If you have not done so, I encourage you to evaluate developing a CCR permit program and submitting it to EPA for authorization.

As you may know, in 2014, the EPA issued national standards for the management of CCR under Subtitle D of the Resource Conservation and Recovery Act (RCRA). As EPA explained in the Preamble to the CCR rule, due to the limited authority under RCRA Subtitle D, these standards applied directly to the owners and operators of CCR landfills and surface impoundments and could not be tailored to the unique circumstances of individual facilities and states through EPA-authorized permit programs. In addition, these standards were enforceable only by citizen suits.

Based on the concept of cooperative federalism that is a hallmark of our environmental laws, section 2301 of the WIIN Act authorizes state permit programs to manage CCR. EPA has started developing guidance for states about how EPA expects to review and approve state applications to operate permit programs and allow flexibility in individual permits in lieu of the national standards. EPA discussed plans for this draft guidance with a number of state environmental directors at the Environmental Council of States on April 7, 2017. EPA also is discussing this in greater detail with technical experts at the Association of State and Territorial Solid Waste Management Officials.

I look forward to assisting your state with implementing section 2301 of the WIIN Act.

Respectfully yours,

A handwritten signature in black ink, which appears to read "Scott Pruitt", is written over the "Respectfully yours," text.

E. Scott Pruitt



THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

April 28, 2017

The Honorable Chris Sununu
Office of the Governor
25 Capitol Street, Room 212
Concord, New Hampshire 3301

Dear Governor Sununu:

I am writing to inform you about steps the U.S. Environmental Protection Agency (EPA) is taking to implement new authority for authorizing state coal combustion residual (CCR) management permit programs provided by section 2301 of the Water Infrastructure Improvements for the Nation Act (WIIN Act), P.L. 114-322. The successful implementation of this authority will require cooperation between EPA and state technical experts, the regulated community, and other stakeholders. I know that some states have already discussed with EPA how they manage CCR, and I encourage you to continue those efforts and work with EPA to submit your program applications for approval in a timely manner. If you have not done so, I encourage you to evaluate developing a CCR permit program and submitting it to EPA for authorization.

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I look forward to assisting your state with implementing section 2301 of the WIIN Act.

Respectfully yours,

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E. Scott Pruitt



THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

April 28, 2017

The Honorable Phil Scott
109 State Street
Pavilion Office Building
Montpelier, Vermont 5609

Dear Governor Scott:

I am writing to inform you about steps the U.S. Environmental Protection Agency (EPA) is taking to implement new authority for authorizing state coal combustion residual (CCR) management permit programs provided by section 2301 of the Water Infrastructure Improvements for the Nation Act (WIIN Act), P.L. 114-322. The successful implementation of this authority will require cooperation between EPA and state technical experts, the regulated community, and other stakeholders. I know that some states have already discussed with EPA how they manage CCR, and I encourage you to continue those efforts and work with EPA to submit your program applications for approval in a timely manner. If you have not done so, I encourage you to evaluate developing a CCR permit program and submitting it to EPA for authorization.

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I look forward to assisting your state with implementing section 2301 of the WIIN Act.

Respectfully yours,

E. Scott Pruitt



E. SCOTT PRUITT
ADMINISTRATOR

September 1, 2017

The Honorable Phil Scott
Governor of Vermont
109 State Street
Pavilion Office Building
Montpelier, Vermont 5609

Re: Multi State Fuel Waiver

Dear Governor Phil Scott:

I want to personally thank you for your steadfast support as we move forward to ensure the wellbeing of the communities affected by Hurricane Harvey. Over the past few days, the U.S. Environmental Protection Agency has issued several fuel waivers in order to minimize or prevent problems with the supply of gasoline and to facilitate recovery and response actions. Attached you will find the fuel waiver for 38 states and the District of Columbia that was signed on August 31, 2017.

I am confident that working together we will be successful in rebuilding these communities.

Respectfully yours,

A handwritten signature in black ink, which appears to read "Scott Pruitt", is written over a large, stylized circular flourish.

E. Scott Pruitt

Enclosure





E. SCOTT PRUITT
ADMINISTRATOR

August 31, 2017

The Honorable Kay Ivey
Governor of Alabama
State Capitol
600 Dexter Avenue
Montgomery, Alabama 36130

The Honorable Nathan Deal
Governor of Georgia
206 Washington Street
111 State Capitol
Atlanta, Georgia 30334

The Honorable Larry Hogan
Governor of Maryland
100 State Circle
Annapolis, Maryland 21401

The Honorable Phil Bryant
Governor of Mississippi
P.O. Box 139
Jackson, Mississippi 39205

The Honorable Roy Cooper
Governor of North Carolina
Office of the Governor
20301 Mail Service Center
Raleigh, North Carolina 27699

The Honorable Henry McMaster
Governor of South Carolina
1205 Pendleton Street
Columbia, South Carolina 29201

The Honorable Bill Haslam
Governor of Tennessee
Tennessee State Capitol
Nashville, Tennessee 37243

The Honorable Terry McAuliffe
Governor of the Commonwealth of Virginia
State Capitol
Third Floor
Richmond, Virginia 23219

The Honorable Greg Abbott
Governor of Texas
Office of the Governor
P.O. Box 12428
Austin, Texas 78711-2428

The Honorable John Bel Edwards
Governor of Louisiana
Office of the Governor
P.O. Box 94004
Baton Rouge, Louisiana 70804

The Honorable Rick Scott
Governor of Florida
PL 05 The Capitol
400 South Monroe Street
Tallahassee, Florida 32399-0001

The Honorable Bruce Rauner
Governor of Illinois
State Capitol
207 Statehouse
Springfield, Illinois 62706

The Honorable Muriel Bowser
Mayor of the District of Columbia
1350 Pennsylvania Avenue, NW
Suite 316
Washington, D.C. 20004

The Honorable Eric Holcomb
Governor of Indiana
State House, Room 206
Indianapolis, Indiana 46204-2797

The Honorable Sam Brownback
Governor of Kansas
Capitol
300 Southwest 10th Avenue, Suite 212S
Topeka, Kansas 66612-1590

The Honorable Matt Bevin
Governor of Kentucky
700 Capitol Avenue, Suite 100
Frankfort, Kentucky 40601

The Honorable Rick Snyder
Governor of Michigan
P.O. Box 30013
Lansing, Michigan 48909

The Honorable Mark Dayton
Governor of Minnesota
130 State Capitol
75 Rev. Dr. Martin Luther King, Jr.
Boulevard
St. Paul, Minnesota 55155

The Honorable Eric Greitens
Governor of Missouri
Capitol Building, Room 216
P.O. Box 720
Jefferson City, Missouri 65102

The Honorable Pete Ricketts
Governor of Nebraska
P.O. Box 94848
Lincoln, Nebraska 68509-4848

The Honorable John Kasich
Governor of Ohio
30th Floor
77 South High Street
Columbus, Ohio 43215

The Honorable Mary Fallin
Governor of Oklahoma
Capitol Building, Room 212
2300 Lincoln Boulevard
Oklahoma City, Oklahoma 73105

The Honorable Dennis Daugaard
Governor of South Dakota
500 East Capitol Street
Pierre, South Dakota 57501

The Honorable Scott Walker
Governor of Wisconsin
115 East State Capitol
Madison, Wisconsin 53707

The Honorable Dan Malloy
Governor of Connecticut
210 Capitol Avenue
Hartford, Connecticut 06106

The Honorable Paul LePage
Governor of Maine
1 State House Station
Augusta, Maine 04333

The Honorable Charlie Baker
Governor of Massachusetts
Office of the Governor
State House, Room 360
Boston, Massachusetts 02133

The Honorable Chris Sununu
Governor of New Hampshire
Office of the Governor
107 North Main Street, Room 208
Concord, New Hampshire 03301

The Honorable Gina Raimondo
Governor of Rhode Island
State House
Providence, Rhode Island 02903

The Honorable Phil Scott
Governor of Vermont
109 State Street
Pavilion Office Building
Montpelier, Vermont 05609

The Honorable John Carney
Governor of Delaware
Legislative Hall
Dover, Delaware 19901

The Honorable Chris Christie
Governor of New Jersey
The State House
P.O. Box 001
Trenton, New Jersey 08625

The Honorable Andrew Cuomo
Governor of New York
State Capitol
Albany, New York 12224

The Honorable Tom Wolf
Governor of Pennsylvania
Main Capitol Building, Room 225
Harrisburg, Pennsylvania 17120

The Honorable Jim Justice
Governor of West Virginia
1900 Kanawha Street
Charleston, West Virginia 25305

The Honorable Asa Hutchinson
Governor of Arkansas
State Capitol, Room 250
Little Rock, Arkansas 72201

The Honorable Kim Reynolds
Governor of Iowa
State Capitol
Des Moines, Iowa 50319-0001

The Honorable Doug Burgum
Governor of North Dakota
Dept. 101
600 East Boulevard Avenue
Bismarck, North Dakota 58505-0001

The Honorable Susana Martinez
Governor of New Mexico
State Capitol
Fourth Floor
Santa Fe, New Mexico 87501

Re: August 31, 2017 Fuel Waiver Concerning Conventional and Reformulated Gasoline in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont, Delaware, Maryland, New Jersey, New York, Pennsylvania, Florida, Georgia, North Carolina, South Carolina, Virginia, West Virginia, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Wisconsin, Alabama, Arkansas, Louisiana, Mississippi, New Mexico, Texas, and the District of Columbia

Dear Governors and Mayor Bowser:

On August 30, 2017, following damage caused by Hurricane Harvey, I waived certain requirements of the Clean Air Act (CAA) relating to the sale, distribution and use of reformulated gasoline (RFG) and low volatility conventional gasoline during the summer season in a number of states to address fuel supply emergencies caused by Hurricane Harvey. I have received additional requests by some of you or on your behalf to expand the waiver to cover your states. In response to these requests, and based on our evaluation of the continuing effects of Hurricane Harvey on the nation's fuel supply system, the U.S. Environmental Protection Agency has determined, and the U.S. Department of Energy concurs, that it is necessary to take further action to minimize or prevent the disruption of an adequate supply of gasoline in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont, Delaware, Maryland, New Jersey, New York, Pennsylvania, Florida, Georgia, North Carolina, South Carolina, Virginia, West Virginia, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Wisconsin, Alabama, Arkansas, Louisiana, Mississippi, New Mexico, Texas, and the District of Columbia. ("designated states and D.C.").¹

As you know, regulations promulgated under the CAA require the use of low volatility gasoline during the summer months in order to limit the formation of ozone pollution. The regulations requiring the use of low volatility conventional gasoline (CG) during the summer season are found at 40 C.F.R. § 80.27 and in certain State Implementation Plans (SIPs). See 40 C.F.R. § 80.27 and <https://www.epa.gov/gasoline-standards/gasoline-reid-vapor-pressure#table>. The regulations requiring the use of low volatility RFG are found at 40 C.F.R. § 80.78. The RFG regulations at 40 C.F.R. § 80.78(a)(7) also prohibit any person from combining any reformulated blendstock for oxygenate blending (RBOB) with any other gasoline, blendstock, or oxygenate, except for the oxygenate of the type and amount specified by the refiner that produced the RBOB. RBOB is combined with its specified oxygenate to produce RFG.

Ten refineries remain shut-down, restarts of approximately a half dozen previously shut-down refineries will take several days (or possibly weeks, depending on damage), and several other refineries are operating at reduced capacity. In addition, port closures are limiting the supply of crude oil to a number of Gulf-area refineries, all of which has continued to limit the production and availability of fuel to areas both within and outside of the Gulf-area. In addition, pipelines originating in the Gulf-area that serve the south, southeast, mid-Atlantic, and mid-west states, have

¹ These areas are located in Petroleum Administration for Defense Districts 1-3.

been disrupted due to storm damage, are down or operating at a reduced capacity. The designated states and D.C. receive a significant percentage of their gasoline supplies from the Gulf-area refineries and through the pipelines originating in the Gulf-area. Consequently, the refinery shut-downs, production curtailments, limited shipments of fuel by barge in the Gulf area, and pipeline limitations caused by Hurricane Harvey are creating a shortage of compliant fuel for the designated states and D.C. These supply shortages can be reduced by waiving the requirements to sell low volatility summer gasoline and by waiving provisions at 40 C.F.R. § 80.78(a)(7) that prohibit any person from combining any RFG blendstock for oxygenate blending with any other gasoline, blendstock, or oxygenate, unless certain conditions are met.

I have determined that an “extreme and unusual fuel [] supply circumstance” exists that will prevent the distribution of an adequate supply of gasoline to consumers. CAA § 211(c)(4)(C)(ii)(I), 42 U.S.C. § 7545(c)(4)(C)(ii)(I). This extreme and unusual fuel circumstance is the result of Hurricane Harvey, an event that could not reasonably have been foreseen or prevented, and is not attributable to a lack of prudent planning on the part of suppliers of the fuel to these areas. CAA § 211(c)(4)(C)(ii)(II), 42 U.S.C. § 7545(c)(4)(C)(ii)(II). Furthermore, I have determined that it is in the public interest to grant this waiver and that this waiver applies to the smallest geographic area necessary to address the fuel supply circumstances. CAA § 211(c)(4)(C)(ii)(III) and (iii)(I), 42 U.S.C. § 7545(c)(4)(C)(ii)(III) and (iii)(I).

The EPA, in consultation with DOE, has evaluated the impact of disruption of the fuel production and distribution system on fuel supply in the designated states and D.C. Based on this evaluation, the EPA has determined, and DOE concurs, that it is necessary to take the following action to minimize or prevent further disruption of an adequate supply of gasoline to consumers in these areas.

Federal RVP Standards

I am issuing this waiver of the federal Reid vapor pressure (RVP) requirements at 40 C.F.R. § 80.27 in the designated states to minimize or prevent problems with the supply of gasoline to these areas. Under this temporary waiver, regulated parties may produce, sell or distribute winter gasoline (including gasoline blendstocks for oxygenate blending (BOBs)) with an RVP of 11.5 pounds per square inch (psi) before the addition of any ethanol in CG areas within the designated states. This waiver is effective immediately and will continue through September 15, 2017. Since the waiver will be in effect until the end of the high ozone season, this waiver does not address downstream standards under the federal RVP requirements at 40 C.F.R. § 80.27 that apply after September 15, 2017.

Federally-Enforceable SIP Covered Areas

Some of the designated states have federally-enforceable SIPs that require the use of low-volatility gasoline. I am issuing this waiver of all low volatility gasoline requirements in any SIP that applies in the designated states to minimize or prevent problems with the supply of gasoline to these areas. Except for the low RVP requirements set forth in the Texas SIP that apply in El

Paso, Texas, this waiver is effective immediately and will continue through September 15, 2017. The waiver of the low RVP requirements in the El Paso SIP are effective immediately and will continue through September 16, 2017.²

Gasoline that does not meet the low RVP standards required by any SIP in the designated states may not be introduced into the fuel distribution system for distribution by refiners or importers into the areas covered by the SIPs after the end of the waiver period. Any gasoline meeting the conditions of this waiver that is already in the fuel distribution system before the waiver period ends, may be distributed and sold in the areas covered by the low volatility gasoline SIPs until the supply is depleted.³

Reformulated Gasoline

I am issuing this waiver of the federal RFG requirements in the designated states and D.C. Under this waiver, the EPA will allow regulated parties to produce, sell or distribute conventional winter gasoline (including BOBs) with an RVP of 11.5 psi before the addition of any ethanol in any RFG covered area within the designated states and D.C. Additionally, I am waiving the provisions at 40 C.F.R. § 80.78(a)(7) that prohibit any person from combining any RFG blendstock for oxygenate blending with any other gasoline, blendstock, or oxygenate, unless certain conditions are met. This waiver covers the prohibitions at 40 C.F.R. § 80.78(a)(7), and applies to all designated states and D.C.⁴

This waiver is effective immediately and will continue through September 15, 2017. Gasoline that does not meet the RFG requirements may not be introduced into terminal storage tanks from which gasoline is dispensed into trucks for distribution to retail outlets in RFG Covered Areas in the designated states and D.C. after September 15, 2017. Any gasoline meeting the conditions of this waiver that is stored in terminal storage tanks for distribution to retail outlets and wholesale purchaser-consumers in these areas after September 15, 2017, may be distributed and sold in RFG Covered Areas in the designated states and D.C. until the supply is depleted. Likewise, retailers and wholesale purchaser-consumers in these areas may continue selling or dispensing gasoline that meets the conditions of this waiver after September 15, 2017, until their supplies are depleted.

This waiver supersedes my August 30, 2017 waiver, and only applies to the applicable federal requirements cited above for the designated states and D.C. Other state or local

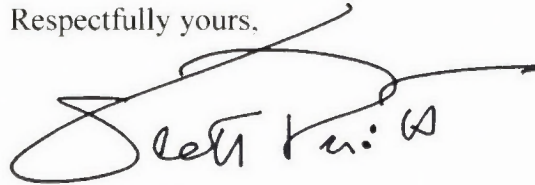
² The El Paso SIP requires the use of low RVP gasoline through September 16, 2017.

³ There are 95 eastern Texas counties that have a 7.8 psi RVP requirement through October 1, 2017. EPA will continue to evaluate the conditions in Texas to evaluate whether an additional waiver may be required past September 15, 2017.

⁴ Since I have waived the RVP requirements in 40 C.F.R. § 80.27 and in low RVP SIPs in the designated states, parties who blend butane into previously certified conventional gasoline during the waiver period do not need to conduct the sampling and testing at 40 C.F.R. § 80.82(e)(1). Since I have waived the requirement to sell RFG in the designated states and D.C. during the waiver period, the prohibitions at 40 C.F.R. § 80.82(e)(2) also do not apply during this time period.

requirements or restrictions related to this matter may need to be addressed by the appropriate authorities. Should conditions warrant, this waiver may be modified, terminated or extended, as appropriate. If you have questions you may call me, or your staff may call Phillip Brooks at (202) 564-0652.

Respectfully yours,

A handwritten signature in black ink, appearing to read "E. Scott Pruitt", with a large, stylized flourish extending from the end of the signature.

E. Scott Pruitt

cc: The Honorable Rick Perry, Secretary of Energy
Richard Hyde, P.E., Executive Director, Texas Commission on Environmental Quality
Dr. Chuck Carr Brown, Secretary, Louisiana Department of Environmental Quality
Richard E. Dunn, Director, Georgia Environmental Protection Division
Jeffery F. Koerner, Director, Florida Division of Air Resource Management
Molly Joseph Ward, Virginia Secretary of Natural Resources
Michael J. Teague, Oklahoma Secretary of Energy and Environment
Becky W. Keogh, Director, Arkansas Department of Environmental Quality



E. SCOTT PRUITT
ADMINISTRATOR
September 1, 2017

The Honorable Chris Sununu
Governor of New Hampshire
Office of the Governor
25 Capitol Street, Room 212
Concord, New Hampshire 3301

Re: Multi State Fuel Waiver

Dear Governor Chris Sununu:

I want to personally thank you for your steadfast support as we move forward to ensure the wellbeing of the communities affected by Hurricane Harvey. Over the past few days, the U.S. Environmental Protection Agency has issued several fuel waivers in order to minimize or prevent problems with the supply of gasoline and to facilitate recovery and response actions. Attached you will find the fuel waiver for 38 states and the District of Columbia that was signed on August 31, 2017.

I am confident that working together we will be successful in rebuilding these communities.

Respectfully yours,

A handwritten signature in black ink, which appears to read "Scott Pruitt", is written over a large, stylized circular flourish.

E. Scott Pruitt

Enclosure



E. SCOTT PRUITT
ADMINISTRATOR

August 31, 2017

The Honorable Kay Ivey
Governor of Alabama
State Capitol
600 Dexter Avenue
Montgomery, Alabama 36130

The Honorable Nathan Deal
Governor of Georgia
206 Washington Street
111 State Capitol
Atlanta, Georgia 30334

The Honorable Larry Hogan
Governor of Maryland
100 State Circle
Annapolis, Maryland 21401

The Honorable Phil Bryant
Governor of Mississippi
P.O. Box 139
Jackson, Mississippi 39205

The Honorable Roy Cooper
Governor of North Carolina
Office of the Governor
20301 Mail Service Center
Raleigh, North Carolina 27699

The Honorable Henry McMaster
Governor of South Carolina
1205 Pendleton Street
Columbia, South Carolina 29201

The Honorable Bill Haslam
Governor of Tennessee
Tennessee State Capitol
Nashville, Tennessee 37243

The Honorable Terry McAuliffe
Governor of the Commonwealth of Virginia
State Capitol
Third Floor
Richmond, Virginia 23219

The Honorable Greg Abbott
Governor of Texas
Office of the Governor
P.O. Box 12428
Austin, Texas 78711-2428

The Honorable John Bel Edwards
Governor of Louisiana
Office of the Governor
P.O. Box 94004
Baton Rouge, Louisiana 70804

The Honorable Rick Scott
Governor of Florida
PL 05 The Capitol
400 South Monroe Street
Tallahassee, Florida 32399-0001

The Honorable Bruce Rauner
Governor of Illinois
State Capitol
207 Statehouse
Springfield, Illinois 62706



The Honorable Muriel Bowser
Mayor of the District of Columbia
1350 Pennsylvania Avenue, NW
Suite 316
Washington, D.C. 20004

The Honorable Eric Holcomb
Governor of Indiana
State House, Room 206
Indianapolis, Indiana 46204-2797

The Honorable Sam Brownback
Governor of Kansas
Capitol
300 Southwest 10th Avenue, Suite 212S
Topeka, Kansas 66612-1590

The Honorable Matt Bevin
Governor of Kentucky
700 Capitol Avenue, Suite 100
Frankfort, Kentucky 40601

The Honorable Rick Snyder
Governor of Michigan
P.O. Box 30013
Lansing, Michigan 48909

The Honorable Mark Dayton
Governor of Minnesota
130 State Capitol
75 Rev. Dr. Martin Luther King, Jr.
Boulevard
St. Paul, Minnesota 55155

The Honorable Eric Greitens
Governor of Missouri
Capitol Building, Room 216
P.O. Box 720
Jefferson City, Missouri 65102

The Honorable Pete Ricketts
Governor of Nebraska
P.O. Box 94848
Lincoln, Nebraska 68509-4848

The Honorable John Kasich
Governor of Ohio
30th Floor
77 South High Street
Columbus, Ohio 43215

The Honorable Mary Fallin
Governor of Oklahoma
Capitol Building, Room 212
2300 Lincoln Boulevard
Oklahoma City, Oklahoma 73105

The Honorable Dennis Daugaard
Governor of South Dakota
500 East Capitol Street
Pierre, South Dakota 57501

The Honorable Scott Walker
Governor of Wisconsin
115 East State Capitol
Madison, Wisconsin 53707

The Honorable Dan Malloy
Governor of Connecticut
210 Capitol Avenue
Hartford, Connecticut 06106

The Honorable Paul LePage
Governor of Maine
1 State House Station
Augusta, Maine 04333

The Honorable Charlie Baker
Governor of Massachusetts
Office of the Governor
State House, Room 360
Boston, Massachusetts 02133

The Honorable Chris Sununu
Governor of New Hampshire
Office of the Governor
107 North Main Street, Room 208
Concord, New Hampshire 03301

The Honorable Gina Raimondo
Governor of Rhode Island
State House
Providence, Rhode Island 02903

The Honorable Phil Scott
Governor of Vermont
109 State Street
Pavilion Office Building
Montpelier, Vermont 05609

The Honorable John Carney
Governor of Delaware
Legislative Hall
Dover, Delaware 19901

The Honorable Chris Christie
Governor of New Jersey
The State House
P.O. Box 001
Trenton, New Jersey 08625

The Honorable Andrew Cuomo
Governor of New York
State Capitol
Albany, New York 12224

The Honorable Tom Wolf
Governor of Pennsylvania
Main Capitol Building, Room 225
Harrisburg, Pennsylvania 17120

The Honorable Jim Justice
Governor of West Virginia
1900 Kanawha Street
Charleston, West Virginia 25305

The Honorable Asa Hutchinson
Governor of Arkansas
State Capitol, Room 250
Little Rock, Arkansas 72201

The Honorable Kim Reynolds
Governor of Iowa
State Capitol
Des Moines, Iowa 50319-0001

The Honorable Doug Burgum
Governor of North Dakota
Dept. 101
600 East Boulevard Avenue
Bismarck, North Dakota 58505-0001

The Honorable Susana Martinez
Governor of New Mexico
State Capitol
Fourth Floor
Santa Fe, New Mexico 87501

Re: August 31, 2017 Fuel Waiver Concerning Conventional and Reformulated Gasoline in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont, Delaware, Maryland, New Jersey, New York, Pennsylvania, Florida, Georgia, North Carolina, South Carolina, Virginia, West Virginia, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Wisconsin, Alabama, Arkansas, Louisiana, Mississippi, New Mexico, Texas, and the District of Columbia

Dear Governors and Mayor Bowser:

On August 30, 2017, following damage caused by Hurricane Harvey, I waived certain requirements of the Clean Air Act (CAA) relating to the sale, distribution and use of reformulated gasoline (RFG) and low volatility conventional gasoline during the summer season in a number of states to address fuel supply emergencies caused by Hurricane Harvey. I have received additional requests by some of you or on your behalf to expand the waiver to cover your states. In response to these requests, and based on our evaluation of the continuing effects of Hurricane Harvey on the nation's fuel supply system, the U.S. Environmental Protection Agency has determined, and the U.S. Department of Energy concurs, that it is necessary to take further action to minimize or prevent the disruption of an adequate supply of gasoline in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont, Delaware, Maryland, New Jersey, New York, Pennsylvania, Florida, Georgia, North Carolina, South Carolina, Virginia, West Virginia, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Wisconsin, Alabama, Arkansas, Louisiana, Mississippi, New Mexico, Texas, and the District of Columbia. ("designated states and D.C.").¹

As you know, regulations promulgated under the CAA require the use of low volatility gasoline during the summer months in order to limit the formation of ozone pollution. The regulations requiring the use of low volatility conventional gasoline (CG) during the summer season are found at 40 C.F.R. § 80.27 and in certain State Implementation Plans (SIPs). See 40 C.F.R. § 80.27 and <https://www.epa.gov/gasoline-standards/gasoline-reid-vapor-pressure#table>. The regulations requiring the use of low volatility RFG are found at 40 C.F.R. § 80.78. The RFG regulations at 40 C.F.R. § 80.78(a)(7) also prohibit any person from combining any reformulated blendstock for oxygenate blending (RBOB) with any other gasoline, blendstock, or oxygenate, except for the oxygenate of the type and amount specified by the refiner that produced the RBOB. RBOB is combined with its specified oxygenate to produce RFG.

Ten refineries remain shut-down, restarts of approximately a half dozen previously shut-down refineries will take several days (or possibly weeks, depending on damage), and several other refineries are operating at reduced capacity. In addition, port closures are limiting the supply of crude oil to a number of Gulf-area refineries, all of which has continued to limit the production and availability of fuel to areas both within and outside of the Gulf-area. In addition, pipelines originating in the Gulf-area that serve the south, southeast, mid-Atlantic, and mid-west states, have

¹ These areas are located in Petroleum Administration for Defense Districts 1-3.

been disrupted due to storm damage, are down or operating at a reduced capacity. The designated states and D.C. receive a significant percentage of their gasoline supplies from the Gulf-area refineries and through the pipelines originating in the Gulf-area. Consequently, the refinery shut-downs, production curtailments, limited shipments of fuel by barge in the Gulf area, and pipeline limitations caused by Hurricane Harvey are creating a shortage of compliant fuel for the designated states and D.C. These supply shortages can be reduced by waiving the requirements to sell low volatility summer gasoline and by waiving provisions at 40 C.F.R. § 80.78(a)(7) that prohibit any person from combining any RFG blendstock for oxygenate blending with any other gasoline, blendstock, or oxygenate, unless certain conditions are met.

I have determined that an “extreme and unusual fuel [] supply circumstance” exists that will prevent the distribution of an adequate supply of gasoline to consumers. CAA § 211(c)(4)(C)(ii)(I), 42 U.S.C. § 7545(c)(4)(C)(ii)(I). This extreme and unusual fuel circumstance is the result of Hurricane Harvey, an event that could not reasonably have been foreseen or prevented, and is not attributable to a lack of prudent planning on the part of suppliers of the fuel to these areas. CAA § 211(c)(4)(C)(ii)(II), 42 U.S.C. § 7545(c)(4)(C)(ii)(II). Furthermore, I have determined that it is in the public interest to grant this waiver and that this waiver applies to the smallest geographic area necessary to address the fuel supply circumstances. CAA § 211(c)(4)(C)(ii)(III) and (iii)(I), 42 U.S.C. § 7545(c)(4)(C)(ii)(III) and (iii)(I).

The EPA, in consultation with DOE, has evaluated the impact of disruption of the fuel production and distribution system on fuel supply in the designated states and D.C. Based on this evaluation, the EPA has determined, and DOE concurs, that it is necessary to take the following action to minimize or prevent further disruption of an adequate supply of gasoline to consumers in these areas.

Federal RVP Standards

I am issuing this waiver of the federal Reid vapor pressure (RVP) requirements at 40 C.F.R. § 80.27 in the designated states to minimize or prevent problems with the supply of gasoline to these areas. Under this temporary waiver, regulated parties may produce, sell or distribute winter gasoline (including gasoline blendstocks for oxygenate blending (BOBs)) with an RVP of 11.5 pounds per square inch (psi) before the addition of any ethanol in CG areas within the designated states. This waiver is effective immediately and will continue through September 15, 2017. Since the waiver will be in effect until the end of the high ozone season, this waiver does not address downstream standards under the federal RVP requirements at 40 C.F.R. § 80.27 that apply after September 15, 2017.

Federally-Enforceable SIP Covered Areas

Some of the designated states have federally-enforceable SIPs that require the use of low-volatility gasoline. I am issuing this waiver of all low volatility gasoline requirements in any SIP that applies in the designated states to minimize or prevent problems with the supply of gasoline to these areas. Except for the low RVP requirements set forth in the Texas SIP that apply in El

Paso, Texas, this waiver is effective immediately and will continue through September 15, 2017. The waiver of the low RVP requirements in the El Paso SIP are effective immediately and will continue through September 16, 2017.²

Gasoline that does not meet the low RVP standards required by any SIP in the designated states may not be introduced into the fuel distribution system for distribution by refiners or importers into the areas covered by the SIPs after the end of the waiver period. Any gasoline meeting the conditions of this waiver that is already in the fuel distribution system before the waiver period ends, may be distributed and sold in the areas covered by the low volatility gasoline SIPs until the supply is depleted.³

Reformulated Gasoline

I am issuing this waiver of the federal RFG requirements in the designated states and D.C. Under this waiver, the EPA will allow regulated parties to produce, sell or distribute conventional winter gasoline (including BOBs) with an RVP of 11.5 psi before the addition of any ethanol in any RFG covered area within the designated states and D.C. Additionally, I am waiving the provisions at 40 C.F.R. § 80.78(a)(7) that prohibit any person from combining any RFG blendstock for oxygenate blending with any other gasoline, blendstock, or oxygenate, unless certain conditions are met. This waiver covers the prohibitions at 40 C.F.R. § 80.78(a)(7), and applies to all designated states and D.C.⁴

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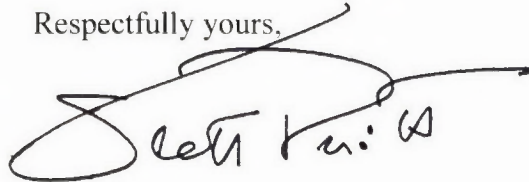
² The El Paso SIP requires the use of low RVP gasoline through September 16, 2017.

³ There are 95 eastern Texas counties that have a 7.8 psi RVP requirement through October 1, 2017. EPA will continue to evaluate the conditions in Texas to evaluate whether an additional waiver may be required past September 15, 2017.

⁴ Since I have waived the RVP requirements in 40 C.F.R. § 80.27 and in low RVP SIPs in the designated states, parties who blend butane into previously certified conventional gasoline during the waiver period do not need to conduct the sampling and testing at 40 C.F.R. § 80.82(e)(1). Since I have waived the requirement to sell RFG in the designated states and D.C. during the waiver period, the prohibitions at 40 C.F.R. § 80.82(e)(2) also do not apply during this time period.

requirements or restrictions related to this matter may need to be addressed by the appropriate authorities. Should conditions warrant, this waiver may be modified, terminated or extended, as appropriate. If you have questions you may call me, or your staff may call Phillip Brooks at (202) 564-0652.

Respectfully yours,

A handwritten signature in black ink, appearing to read "Scott Pruitt", with a large, stylized flourish extending from the end of the signature.

E. Scott Pruitt

cc: The Honorable Rick Perry, Secretary of Energy

Richard Hyde, P.E., Executive Director, Texas Commission on Environmental Quality

Dr. Chuck Carr Brown, Secretary, Louisiana Department of Environmental Quality

Richard E. Dunn, Director, Georgia Environmental Protection Division

Jeffery F. Koerner, Director, Florida Division of Air Resource Management

Molly Joseph Ward, Virginia Secretary of Natural Resources

Michael J. Teague, Oklahoma Secretary of Energy and Environment

Becky W. Keogh, Director, Arkansas Department of Environmental Quality



E. SCOTT PRUITT
ADMINISTRATOR

September 1, 2017

The Honorable Matt Bevin
Governor of Kentucky
700 Capitol Avenue
Suite 100
Frankfort, Kentucky 40601

Re: Multi State Fuel Waiver

Dear Governor Matt Bevin:

I want to personally thank you for your steadfast support as we move forward to ensure the wellbeing of the communities affected by Hurricane Harvey. Over the past few days, the U.S. Environmental Protection Agency has issued several fuel waivers in order to minimize or prevent problems with the supply of gasoline and to facilitate recovery and response actions. Attached you will find the fuel waiver for 38 states and the District of Columbia that was signed on August 31, 2017.

I am confident that working together we will be successful in rebuilding these communities.

Respectfully yours,

A handwritten signature in black ink, which appears to read "Scott Pruitt", is written over a horizontal line.

E. Scott Pruitt

Enclosure





E. SCOTT PRUITT
ADMINISTRATOR

August 31, 2017

The Honorable Kay Ivey
Governor of Alabama
State Capitol
600 Dexter Avenue
Montgomery, Alabama 36130

The Honorable Nathan Deal
Governor of Georgia
206 Washington Street
111 State Capitol
Atlanta, Georgia 30334

The Honorable Larry Hogan
Governor of Maryland
100 State Circle
Annapolis, Maryland 21401

The Honorable Phil Bryant
Governor of Mississippi
P.O. Box 139
Jackson, Mississippi 39205

The Honorable Roy Cooper
Governor of North Carolina
Office of the Governor
20301 Mail Service Center
Raleigh, North Carolina 27699

The Honorable Henry McMaster
Governor of South Carolina
1205 Pendleton Street
Columbia, South Carolina 29201

The Honorable Bill Haslam
Governor of Tennessee
Tennessee State Capitol
Nashville, Tennessee 37243

The Honorable Terry McAuliffe
Governor of the Commonwealth of Virginia
State Capitol
Third Floor
Richmond, Virginia 23219

The Honorable Greg Abbott
Governor of Texas
Office of the Governor
P.O. Box 12428
Austin, Texas 78711-2428

The Honorable John Bel Edwards
Governor of Louisiana
Office of the Governor
P.O. Box 94004
Baton Rouge, Louisiana 70804

The Honorable Rick Scott
Governor of Florida
PL 05 The Capitol
400 South Monroe Street
Tallahassee, Florida 32399-0001

The Honorable Bruce Rauner
Governor of Illinois
State Capitol
207 Statehouse
Springfield, Illinois 62706



The Honorable Muriel Bowser
Mayor of the District of Columbia
1350 Pennsylvania Avenue, NW
Suite 316
Washington, D.C. 20004

The Honorable Eric Holcomb
Governor of Indiana
State House, Room 206
Indianapolis, Indiana 46204-2797

The Honorable Sam Brownback
Governor of Kansas
Capitol
300 Southwest 10th Avenue, Suite 212S
Topeka, Kansas 66612-1590

The Honorable Matt Bevin
Governor of Kentucky
700 Capitol Avenue, Suite 100
Frankfort, Kentucky 40601

The Honorable Rick Snyder
Governor of Michigan
P.O. Box 30013
Lansing, Michigan 48909

The Honorable Mark Dayton
Governor of Minnesota
130 State Capitol
75 Rev. Dr. Martin Luther King, Jr.
Boulevard
St. Paul, Minnesota 55155

The Honorable Eric Greitens
Governor of Missouri
Capitol Building, Room 216
P.O. Box 720
Jefferson City, Missouri 65102

The Honorable Pete Ricketts
Governor of Nebraska
P.O. Box 94848
Lincoln, Nebraska 68509-4848

The Honorable John Kasich
Governor of Ohio
30th Floor
77 South High Street
Columbus, Ohio 43215

The Honorable Mary Fallin
Governor of Oklahoma
Capitol Building, Room 212
2300 Lincoln Boulevard
Oklahoma City, Oklahoma 73105

The Honorable Dennis Daugaard
Governor of South Dakota
500 East Capitol Street
Pierre, South Dakota 57501

The Honorable Scott Walker
Governor of Wisconsin
115 East State Capitol
Madison, Wisconsin 53707

The Honorable Dan Malloy
Governor of Connecticut
210 Capitol Avenue
Hartford, Connecticut 06106

The Honorable Paul LePage
Governor of Maine
1 State House Station
Augusta, Maine 04333

The Honorable Charlie Baker
Governor of Massachusetts
Office of the Governor
State House, Room 360
Boston, Massachusetts 02133

The Honorable Chris Sununu
Governor of New Hampshire
Office of the Governor
107 North Main Street, Room 208
Concord, New Hampshire 03301

The Honorable Gina Raimondo
Governor of Rhode Island
State House
Providence, Rhode Island 02903

The Honorable Phil Scott
Governor of Vermont
109 State Street
Pavilion Office Building
Montpelier, Vermont 05609

The Honorable John Carney
Governor of Delaware
Legislative Hall
Dover, Delaware 19901

The Honorable Chris Christie
Governor of New Jersey
The State House
P.O. Box 001
Trenton, New Jersey 08625

The Honorable Andrew Cuomo
Governor of New York
State Capitol
Albany, New York 12224

The Honorable Tom Wolf
Governor of Pennsylvania
Main Capitol Building, Room 225
Harrisburg, Pennsylvania 17120

The Honorable Jim Justice
Governor of West Virginia
1900 Kanawha Street
Charleston, West Virginia 25305

The Honorable Asa Hutchinson
Governor of Arkansas
State Capitol, Room 250
Little Rock, Arkansas 72201

The Honorable Kim Reynolds
Governor of Iowa
State Capitol
Des Moines, Iowa 50319-0001

The Honorable Doug Burgum
Governor of North Dakota
Dept. 101
600 East Boulevard Avenue
Bismarck, North Dakota 58505-0001

The Honorable Susana Martinez
Governor of New Mexico
State Capitol
Fourth Floor
Santa Fe, New Mexico 87501

Re: August 31, 2017 Fuel Waiver Concerning Conventional and Reformulated Gasoline in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont, Delaware, Maryland, New Jersey, New York, Pennsylvania, Florida, Georgia, North Carolina, South Carolina, Virginia, West Virginia, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Wisconsin, Alabama, Arkansas, Louisiana, Mississippi, New Mexico, Texas, and the District of Columbia

Dear Governors and Mayor Bowser:

On August 30, 2017, following damage caused by Hurricane Harvey, I waived certain requirements of the Clean Air Act (CAA) relating to the sale, distribution and use of reformulated gasoline (RFG) and low volatility conventional gasoline during the summer season in a number of states to address fuel supply emergencies caused by Hurricane Harvey. I have received additional requests by some of you or on your behalf to expand the waiver to cover your states. In response to these requests, and based on our evaluation of the continuing effects of Hurricane Harvey on the nation's fuel supply system, the U.S. Environmental Protection Agency has determined, and the U.S. Department of Energy concurs, that it is necessary to take further action to minimize or prevent the disruption of an adequate supply of gasoline in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont, Delaware, Maryland, New Jersey, New York, Pennsylvania, Florida, Georgia, North Carolina, South Carolina, Virginia, West Virginia, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Wisconsin, Alabama, Arkansas, Louisiana, Mississippi, New Mexico, Texas, and the District of Columbia. ("designated states and D.C.").¹

As you know, regulations promulgated under the CAA require the use of low volatility gasoline during the summer months in order to limit the formation of ozone pollution. The regulations requiring the use of low volatility conventional gasoline (CG) during the summer season are found at 40 C.F.R. § 80.27 and in certain State Implementation Plans (SIPs). See 40 C.F.R. § 80.27 and <https://www.epa.gov/gasoline-standards/gasoline-reid-vapor-pressure#table>. The regulations requiring the use of low volatility RFG are found at 40 C.F.R. § 80.78. The RFG regulations at 40 C.F.R. § 80.78(a)(7) also prohibit any person from combining any reformulated blendstock for oxygenate blending (RBOB) with any other gasoline, blendstock, or oxygenate, except for the oxygenate of the type and amount specified by the refiner that produced the RBOB. RBOB is combined with its specified oxygenate to produce RFG.

Ten refineries remain shut-down, restarts of approximately a half dozen previously shut-down refineries will take several days (or possibly weeks, depending on damage), and several other refineries are operating at reduced capacity. In addition, port closures are limiting the supply of crude oil to a number of Gulf-area refineries, all of which has continued to limit the production and availability of fuel to areas both within and outside of the Gulf-area. In addition, pipelines originating in the Gulf-area that serve the south, southeast, mid-Atlantic, and mid-west states, have

¹ These areas are located in Petroleum Administration for Defense Districts 1-3.

been disrupted due to storm damage, are down or operating at a reduced capacity. The designated states and D.C. receive a significant percentage of their gasoline supplies from the Gulf-area refineries and through the pipelines originating in the Gulf-area. Consequently, the refinery shut-downs, production curtailments, limited shipments of fuel by barge in the Gulf area, and pipeline limitations caused by Hurricane Harvey are creating a shortage of compliant fuel for the designated states and D.C. These supply shortages can be reduced by waiving the requirements to sell low volatility summer gasoline and by waiving provisions at 40 C.F.R. § 80.78(a)(7) that prohibit any person from combining any RFG blendstock for oxygenate blending with any other gasoline, blendstock, or oxygenate, unless certain conditions are met.

I have determined that an “extreme and unusual fuel [] supply circumstance” exists that will prevent the distribution of an adequate supply of gasoline to consumers. CAA § 211(c)(4)(C)(ii)(I), 42 U.S.C. § 7545(c)(4)(C)(ii)(I). This extreme and unusual fuel circumstance is the result of Hurricane Harvey, an event that could not reasonably have been foreseen or prevented, and is not attributable to a lack of prudent planning on the part of suppliers of the fuel to these areas. CAA § 211(c)(4)(C)(ii)(II), 42 U.S.C. § 7545(c)(4)(C)(ii)(II). Furthermore, I have determined that it is in the public interest to grant this waiver and that this waiver applies to the smallest geographic area necessary to address the fuel supply circumstances. CAA § 211(c)(4)(C)(ii)(III) and (iii)(I), 42 U.S.C. § 7545(c)(4)(C)(ii)(III) and (iii)(I).

The EPA, in consultation with DOE, has evaluated the impact of disruption of the fuel production and distribution system on fuel supply in the designated states and D.C. Based on this evaluation, the EPA has determined, and DOE concurs, that it is necessary to take the following action to minimize or prevent further disruption of an adequate supply of gasoline to consumers in these areas.

Federal RVP Standards

I am issuing this waiver of the federal Reid vapor pressure (RVP) requirements at 40 C.F.R. § 80.27 in the designated states to minimize or prevent problems with the supply of gasoline to these areas. Under this temporary waiver, regulated parties may produce, sell or distribute winter gasoline (including gasoline blendstocks for oxygenate blending (BOBs)) with an RVP of 11.5 pounds per square inch (psi) before the addition of any ethanol in CG areas within the designated states. This waiver is effective immediately and will continue through September 15, 2017. Since the waiver will be in effect until the end of the high ozone season, this waiver does not address downstream standards under the federal RVP requirements at 40 C.F.R. § 80.27 that apply after September 15, 2017.

Federally-Enforceable SIP Covered Areas

Some of the designated states have federally-enforceable SIPs that require the use of low-volatility gasoline. I am issuing this waiver of all low volatility gasoline requirements in any SIP that applies in the designated states to minimize or prevent problems with the supply of gasoline to these areas. Except for the low RVP requirements set forth in the Texas SIP that apply in El

Paso, Texas, this waiver is effective immediately and will continue through September 15, 2017. The waiver of the low RVP requirements in the El Paso SIP are effective immediately and will continue through September 16, 2017.²

Gasoline that does not meet the low RVP standards required by any SIP in the designated states may not be introduced into the fuel distribution system for distribution by refiners or importers into the areas covered by the SIPs after the end of the waiver period. Any gasoline meeting the conditions of this waiver that is already in the fuel distribution system before the waiver period ends, may be distributed and sold in the areas covered by the low volatility gasoline SIPs until the supply is depleted.³

Reformulated Gasoline

I am issuing this waiver of the federal RFG requirements in the designated states and D.C. Under this waiver, the EPA will allow regulated parties to produce, sell or distribute conventional winter gasoline (including BOBs) with an RVP of 11.5 psi before the addition of any ethanol in any RFG covered area within the designated states and D.C. Additionally, I am waiving the provisions at 40 C.F.R. § 80.78(a)(7) that prohibit any person from combining any RFG blendstock for oxygenate blending with any other gasoline, blendstock, or oxygenate, unless certain conditions are met. This waiver covers the prohibitions at 40 C.F.R. § 80.78(a)(7), and applies to all designated states and D.C.⁴

This waiver is effective immediately and will continue through September 15, 2017. Gasoline that does not meet the RFG requirements may not be introduced into terminal storage tanks from which gasoline is dispensed into trucks for distribution to retail outlets in RFG Covered Areas in the designated states and D.C. after September 15, 2017. Any gasoline meeting the conditions of this waiver that is stored in terminal storage tanks for distribution to retail outlets and wholesale purchaser-consumers in these areas after September 15, 2017, may be distributed and sold in RFG Covered Areas in the designated states and D.C. until the supply is depleted. Likewise, retailers and wholesale purchaser-consumers in these areas may continue selling or dispensing gasoline that meets the conditions of this waiver after September 15, 2017, until their supplies are depleted.

This waiver supersedes my August 30, 2017 waiver, and only applies to the applicable federal requirements cited above for the designated states and D.C. Other state or local

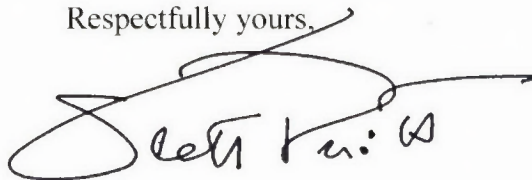
² The El Paso SIP requires the use of low RVP gasoline through September 16, 2017.

³ There are 95 eastern Texas counties that have a 7.8 psi RVP requirement through October 1, 2017. EPA will continue to evaluate the conditions in Texas to evaluate whether an additional waiver may be required past September 15, 2017.

⁴ Since I have waived the RVP requirements in 40 C.F.R. § 80.27 and in low RVP SIPs in the designated states, parties who blend butane into previously certified conventional gasoline during the waiver period do not need to conduct the sampling and testing at 40 C.F.R. § 80.82(e)(1). Since I have waived the requirement to sell RFG in the designated states and D.C. during the waiver period, the prohibitions at 40 C.F.R. § 80.82(e)(2) also do not apply during this time period.

requirements or restrictions related to this matter may need to be addressed by the appropriate authorities. Should conditions warrant, this waiver may be modified, terminated or extended, as appropriate. If you have questions you may call me, or your staff may call Phillip Brooks at (202) 564-0652.

Respectfully yours,

A handwritten signature in black ink, appearing to read "E. Scott Pruitt", with a large, stylized flourish extending from the end of the signature.

E. Scott Pruitt

cc: The Honorable Rick Perry, Secretary of Energy
Richard Hyde, P.E., Executive Director, Texas Commission on Environmental Quality
Dr. Chuck Carr Brown, Secretary, Louisiana Department of Environmental Quality
Richard E. Dunn, Director, Georgia Environmental Protection Division
Jeffery F. Koerner, Director, Florida Division of Air Resource Management
Molly Joseph Ward, Virginia Secretary of Natural Resources
Michael J. Teague, Oklahoma Secretary of Energy and Environment
Becky W. Keogh, Director, Arkansas Department of Environmental Quality



E. SCOTT PRUITT
ADMINISTRATOR

December 20, 2017

The Honorable Chris Sununu
Governor of New Hampshire
107 North Maine Street
Concord, New Hampshire 03301

Dear Governor Sununu:

I am writing to inform you that the U.S. Environmental Protection Agency has completed additional area designations for the health-based National Ambient Air Quality Standard for sulfur dioxide (SO₂) established in 2010. The enclosed table summarizes the portions of New Hampshire the agency is designating at this time. These designations are explained more fully in the accompanying technical support document available at <https://www.epa.gov/sulfur-dioxide-designations/final-technical-support-documents-area-designations-round-3>. This action completes area designations for New Hampshire.

Improving air quality to protect public health is a shared goal. Through local, state, tribal, and national programs, we have made considerable progress to reduce SO₂ levels throughout the country. Nationwide, monitored levels of sulfur dioxide have dropped 85 percent since 1990. I appreciate the work you have done and the partnership we have developed to achieve this impressive reduction.

If you have questions or concerns, please contact me or your staff may contact Troy Lyons, Associate Administrator for the Office of Congressional and Intergovernmental Relations, at lyons.troy@epa.gov or at (202) 564-5200.

Respectfully yours,

A handwritten signature in black ink, which appears to read "Scott Pruitt", is written over the typed name. The signature is stylized with a large, sweeping initial "S".

E. Scott Pruitt

Enclosure



New Hampshire—2010 Sulfur Dioxide NAAQS (Primary)		
Designated area ¹	Designation	
	Date ²	Type
Central New Hampshire, NH	10-4-13	Nonattainment
Hillsborough County (part)		
Merrimack County (part)		
Rockingham County (part)		
Rest of State:		
Belknap County		Attainment/Unclassifiable
Carroll County		Attainment/Unclassifiable
Cheshire County		Attainment/Unclassifiable
Coos County		Attainment/Unclassifiable
Grafton County		Attainment/Unclassifiable
Hillsborough County (part)		Attainment/Unclassifiable
Merrimack County (part)		Attainment/Unclassifiable
Rockingham County (part)		Attainment/Unclassifiable
Strafford County		Attainment/Unclassifiable
Sullivan County		Attainment/Unclassifiable

¹Includes any Indian country in each county or area, unless otherwise specified. The EPA is not determining the boundaries of any area of Indian country in this table, including any area of Indian country located in the larger designation area. The inclusion of any Indian country in the designation area is not a determination that the state has regulatory authority under the Clean Air Act for such Indian country.

²This date is 90 days after publication in the *Federal Register*, unless otherwise noted.



E. SCOTT PRUITT
ADMINISTRATOR

December 20, 2017

The Honorable Phil Scott
Governor of Vermont
109 State Street
Montpelier, Vermont 05609

Dear Governor Scott:

I am writing to inform you that the U.S. Environmental Protection Agency has completed additional area designations for the health-based National Ambient Air Quality Standard for sulfur dioxide (SO₂) established in 2010. The enclosed table summarizes the portions of Vermont the agency is designating at this time. These designations are explained more fully in the accompanying technical support document available at <https://www.epa.gov/sulfur-dioxide-designations/final-technical-support-documents-area-designations-round-3>. This action completes area designations for Vermont.

Improving air quality to protect public health is a shared goal. Through local, state, tribal, and national programs, we have made considerable progress to reduce SO₂ levels throughout the country. Nationwide, monitored levels of sulfur dioxide have dropped 85 percent since 1990. I appreciate the work you have done and the partnership we have developed to achieve this impressive reduction.

If you have questions or concerns, please contact me or your staff may contact Troy Lyons, Associate Administrator for the Office of Congressional and Intergovernmental Relations, at lyons.troy@epa.gov or at (202) 564-5200.

Respectfully yours,

A handwritten signature in black ink, which appears to read "Scott Pruitt", is written over the "Respectfully yours," text.

E. Scott Pruitt

Enclosure

Vermont—2010 Sulfur Dioxide NAAQS (Primary)		
Designated area ¹	Designation	
	Date ²	Type
Statewide:		
Addison		Attainment/ Unclassifiable
Bennington		Attainment/ Unclassifiable
Caledonia		Attainment/ Unclassifiable
Chittenden		Attainment/ Unclassifiable
Essex		Attainment/ Unclassifiable
Franklin		Attainment/ Unclassifiable
Grand Isle		Attainment/ Unclassifiable
Lamoille		Attainment/ Unclassifiable
Orange		Attainment/ Unclassifiable
Orleans		Attainment/ Unclassifiable
Rutland		Attainment/ Unclassifiable
Washington		Attainment/ Unclassifiable
Windham		Attainment/ Unclassifiable
Windsor		Attainment/ Unclassifiable

¹Includes any Indian country in each county or area, unless otherwise specified. The EPA is not determining the boundaries of any area of Indian country in this table, including any area of Indian country located in the larger designation area. The inclusion of any Indian country in the designation area is not a determination that the state has regulatory authority under the Clean Air Act for such Indian country.

²This date is 90 days after publication in the *Federal Register*, unless otherwise noted.



E. SCOTT PRUITT
ADMINISTRATOR

December 20, 2017

The Honorable Matt Bevin
Governor of Kentucky
700 Capitol Avenue, Suite 100
Frankfort, Kentucky 40601

Dear Governor Bevin:

I am writing to inform you that the U.S. Environmental Protection Agency has completed additional area designations for the health-based National Ambient Air Quality Standard for sulfur dioxide (SO₂) established in 2010. The enclosed table summarizes the portions of Kentucky the agency is designating at this time. These designations are explained more fully in the accompanying technical support document available at <https://www.epa.gov/sulfur-dioxide-designations/final-technical-support-documents-area-designations-round-3>. This action completes area designations for Kentucky, except for those areas where additional SO₂ air quality monitoring is underway. These remaining areas will be designated by December 2020.

Improving air quality to protect public health is a shared goal. Through local, state, tribal, and national programs, we have made considerable progress to reduce SO₂ levels throughout the country. Nationwide, monitored levels of sulfur dioxide have dropped 85 percent since 1990. I appreciate the work you have done and the partnership we have developed to achieve this impressive reduction.

If you have questions or concerns, please contact me or your staff may contact Troy Lyons, Associate Administrator for the Office of Congressional and Intergovernmental Relations, at lyons.troy@epa.gov or at (202) 564-5200.

Respectfully yours,

A handwritten signature in black ink, which appears to read "Scott Pruitt", is written over the typed name. The signature is fluid and cursive.

E. Scott Pruitt

Enclosure

Kentucky—2010 Sulfur Dioxide NAAQS (Primary)		
Designated area ⁴	Designation	
	Date ³	Type
Campbell-Clermont Counties, KY-OH: ¹	3/10/2017	Attainment
Campbell County (part)		
Jefferson County, KY ¹	10/4/13	Nonattainment
Jefferson County (part)		
Ohio County, KY ¹	9/12/16	Unclassifiable
Ohio County		
Pulaski County, KY ¹	9/12/16	Unclassifiable
Pulaski County		
Rest of State: ²		
Adair County		Attainment/Unclassifiable
Allen County		Attainment/Unclassifiable
Anderson County		Attainment/Unclassifiable
Ballard County		Attainment/Unclassifiable
Barren County		Attainment/Unclassifiable
Bath County		Attainment/Unclassifiable
Bell County		Attainment/Unclassifiable
Boone County		Attainment/Unclassifiable
Bourbon County		Attainment/Unclassifiable
Boyd County		Attainment/Unclassifiable
Boyle County		Attainment/Unclassifiable
Bracken County		Attainment/Unclassifiable
Breathitt County		Attainment/Unclassifiable
Breckinridge County		Attainment/Unclassifiable
Bullitt County		Attainment/Unclassifiable
Butler County		Attainment/Unclassifiable
Caldwell County		Attainment/Unclassifiable
Calloway County		Attainment/Unclassifiable
Campbell County (part) (remainder)		Attainment/Unclassifiable
Carlisle County		Attainment/Unclassifiable
Carroll County		Attainment/Unclassifiable
Carter County		Attainment/Unclassifiable
Casey County		Attainment/Unclassifiable
Christian County		Attainment/Unclassifiable
Clark County		Attainment/Unclassifiable
Clay County		Attainment/Unclassifiable
Clinton County		Attainment/Unclassifiable
Crittenden County		Attainment/Unclassifiable
Cumberland County		Attainment/Unclassifiable
Daviess County		Attainment/Unclassifiable
Edmonson County		Attainment/Unclassifiable
Elliott County		Attainment/Unclassifiable
Estill County		Attainment/Unclassifiable

Kentucky—2010 Sulfur Dioxide NAAQS (Primary)

Designated area ⁴	Designation	
	Date ³	Type
Fayette County		Attainment/Unclassifiable
Fleming County		Attainment/Unclassifiable
Floyd County		Attainment/Unclassifiable
Franklin County		Attainment/Unclassifiable
Fulton County		Attainment/Unclassifiable
Gallatin County		Attainment/Unclassifiable
Garrard County		Attainment/Unclassifiable
Grant County		Attainment/Unclassifiable
Graves County		Attainment/Unclassifiable
Grayson County		Attainment/Unclassifiable
Green County		Attainment/Unclassifiable
Greenup County		Attainment/Unclassifiable
Hancock County		Attainment/Unclassifiable
Hardin County		Attainment/Unclassifiable
Harlan County		Attainment/Unclassifiable
Harrison County		Attainment/Unclassifiable
Hart County		Attainment/Unclassifiable
Henderson County (part)		Attainment/Unclassifiable
Henry County		Attainment/Unclassifiable
Hickman County		Attainment/Unclassifiable
Hopkins County		Attainment/Unclassifiable
Jackson County		Attainment/Unclassifiable
Jefferson County (part) (remainder)		Attainment/Unclassifiable
Jessamine County		Attainment/Unclassifiable
Johnson County		Attainment/Unclassifiable
Kenton County		Attainment/Unclassifiable
Knott County		Attainment/Unclassifiable
Knox County		Attainment/Unclassifiable
LaRue County		Attainment/Unclassifiable
Laurel County		Attainment/Unclassifiable
Lawrence County		Attainment/Unclassifiable
Lee County		Attainment/Unclassifiable
Leslie County		Attainment/Unclassifiable
Letcher County		Attainment/Unclassifiable
Lewis County		Attainment/Unclassifiable
Lincoln County		Attainment/Unclassifiable
Livingston County		Attainment/Unclassifiable
Logan County		Attainment/Unclassifiable
Lyon County		Attainment/Unclassifiable
Madison County		Attainment/Unclassifiable
Magoffin County		Attainment/Unclassifiable
Marion County		Attainment/Unclassifiable

Kentucky—2010 Sulfur Dioxide NAAQS (Primary)

Designated area ⁴	Designation	
	Date ³	Type
Marshall County		Attainment/Unclassifiable
Martin County		Attainment/Unclassifiable
Mason County		Attainment/Unclassifiable
McCracken County		Attainment/Unclassifiable
McCreary County		Attainment/Unclassifiable
McLean County		Attainment/Unclassifiable
Meade County		Attainment/Unclassifiable
Menifee County		Attainment/Unclassifiable
Mercer County		Attainment/Unclassifiable
Metcalf County		Attainment/Unclassifiable
Monroe County		Attainment/Unclassifiable
Montgomery County		Attainment/Unclassifiable
Morgan County		Attainment/Unclassifiable
Muhlenberg County		Attainment/Unclassifiable
Nelson County		Attainment/Unclassifiable
Nicholas County		Attainment/Unclassifiable
Oldham County		Attainment/Unclassifiable
Owen County		Attainment/Unclassifiable
Owsley County		Attainment/Unclassifiable
Pendleton County		Attainment/Unclassifiable
Perry County		Attainment/Unclassifiable
Pike County		Attainment/Unclassifiable
Powell County		Attainment/Unclassifiable
Robertson County		Attainment/Unclassifiable
Rockcastle County		Attainment/Unclassifiable
Rowan County		Attainment/Unclassifiable
Russell County		Attainment/Unclassifiable
Scott County		Attainment/Unclassifiable
Shelby County		Attainment/Unclassifiable
Simpson County		Attainment/Unclassifiable
Spencer County		Attainment/Unclassifiable
Taylor County		Attainment/Unclassifiable
Todd County		Attainment/Unclassifiable
Trigg County		Attainment/Unclassifiable
Trimble County		Attainment/Unclassifiable
Union County		Attainment/Unclassifiable
Warren County		Attainment/Unclassifiable
Washington County		Attainment/Unclassifiable
Wayne County		Attainment/Unclassifiable
Whitley County		Attainment/Unclassifiable
Wolfe County		Attainment/Unclassifiable
Woodford County		Attainment/Unclassifiable

¹Excludes Indian country located in each area, if any, unless otherwise specified.

²Includes any Indian country in each county or area, if any, unless otherwise specified.

³This date is 90 days after publication in the *Federal Register*, unless otherwise noted.

⁴Webster County and the remainder of Henderson County will be designated by December 31, 2020.



E. SCOTT PRUITT
ADMINISTRATOR

March 1, 2018

The Honorable Phil Scott
Office of the Governor
109 State Street, Pavilion
Montpelier, VT 05609

RE: Policy Update on EPA Programmatic of Biomass and the Forest Products Industry

Dear Governor Scott:

Understanding the importance of the forest products industry to the State of Vermont, and recognizing the environmental, economic, and social benefits our nation as a whole derives from its vast forest resources, I write to highlight the work the Environmental Protection Agency (EPA) has undertaken and is continuing to undertake to advance and promote the responsible use of those forest resources.

On April 13, 2017, in accordance with President Trump's Executive Order 13777, *Enforcing the Regulatory Reform Agenda*, EPA sought comment on those unnecessary regulatory barriers that should be targeted for repeal, replacement, or modification. Among the over 60,000 comments received, members of the forest and forest products community highlighted a number of concerns with EPA's past regulatory treatment of the industry. Top concerns included whether EPA had to date failed to take proper account of the reality that energy derived from biomass may in appropriate circumstances be recognized as carbon neutral; the treatment in Clean Air Act permitting decisions of biogenic carbon dioxide (CO₂) emissions; and the Agency's own procurement recommendations for wood and lumber products.

By way of further background, in 2011, EPA had submitted to the Scientific Advisory Board (SAB) a "Draft Accounting Framework for Biogenic CO₂ Emissions from Stationary Sources." That draft accounting framework sought to identify and outline the scientific and technical considerations that come into play in ascertaining whether the production, processing, and use of biomass materials at stationary sources for energy is indeed carbon neutral. The Agency updated the accounting framework in 2014. Most recently, EPA announced that, after seven years of ongoing review and analysis of this challenging issue, the SAB had yet to reach consensus. The SAB process continues. Meanwhile, the Agency recently received explicit direction from Congress in the *Consolidated Appropriations Act of 2017*, which urged the proactive recognition of biomass



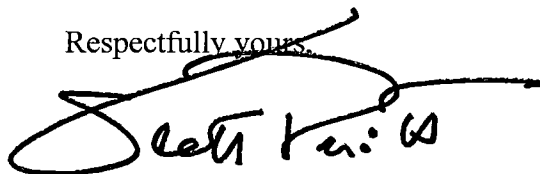
as being both carbon-neutral and a source of renewable energy. Spurred on by this congressional action, which had occurred in conjunction with Executive Order 13783, *Promoting Energy Independence and Economic Growth*, a multi-agency effort has now been initiated between EPA, the Department of Energy, and the Department of Agriculture, with the focused goal of establishing a mechanism for federal cooperation and consistency on the use of biomass, including forest-derived biomass, for energy.

For its specific part, EPA has incorporated into its ongoing review of and improvement to Clean Air Act permitting programs generally a concerted effort to develop a range of options consistent with a carbon-neutral policy for biomass from forests and other lands and sectors. Unquestionably, by providing certainty for the treatment of biomass throughout the Agency's permitting decisions, the use of biomass energy will be bolstered, to the benefit not only to the forest products industry but the environment as well, while furthering the Administration's goal of energy dominance.

EPA is also developing actions to clarify its own federal procurement recommendations, issued by the prior Administration in September 2015, with an eye towards assessing their value and relevance going forward. Unaccountably, as initially drafted, those recommendations only recognized a single forest certification standard as qualifying for federal procurement opportunities. This had the unfortunate, and wholly unwarranted, effect of making a large majority of responsibly managed forests, including those certified by the Sustainable Forestry Initiative and the American Tree Farm System, ineligible to participate. Today, EPA recognizes there is a much broader reach of responsibly managed forests and so is working to guarantee that any procurement recommendations are consistent with this broader understanding. Additionally, EPA is working to ensure, as appropriate, either parity with or deferral to USDA's preexisting mandatory purchasing requirements for federal agencies set out under its BioPreferred Program.

As you and I both recognize, continuing to be responsible stewards of our nation's forests and lands while utilizing all domestic forms of biomass to meet our energy needs are mutually compatible goals. By further incorporating these sources into an "all of the above" energy portfolio, the Agency will expand the economic potential of our nation's forests, while at the same time ensuring states like Vermont are able to determine the best energy sources to meet their local economic and environmental needs. I look forward to continuing to work with you and the broad range of interested stakeholders to provide clarity and incorporate consistent treatment of biomass throughout the range of EPA's regulatory programs.

Respectfully yours,

A handwritten signature in black ink, appearing to read "E. Scott Pruitt", with a large, sweeping flourish extending from the end of the signature.

E. Scott Pruitt



E. SCOTT PRUITT
ADMINISTRATOR

March 19, 2018

The Honorable Matt Bevin
Governor of Kentucky
700 Capitol Avenue, Suite 100
Frankfort, Kentucky, 40601

Dear Governor Bevin:

Protecting public health and ensuring the safety of our nation's land and drinking water are among the U.S. Environmental Protection Agency's (EPA's) highest priorities. Per- and polyfluoroalkyl substances (PFAS) have emerged as a concern in communities across the nation and it is time to come together to identify near-term actions to protect the health of all Americans.

EPA will be hosting a National Leadership Summit to identify solutions to address PFAS challenges in drinking water and at contaminated sites. The summit will be held in Washington, D.C. on May 22-23, 2018, and we will work side-by-side with states, tribes and other partners to dedicate our collective expertise and resources to manage these chemicals. At the summit, we will work together to:

- Share information on ongoing efforts to characterize risks from PFAS and develop monitoring and treatment/cleanup techniques;
- Identify specific near-term actions, beyond those already underway, that are needed to address challenges currently facing states and local communities; and
- Develop risk communication strategies to help address public concerns with PFAS.

Following the summit, EPA will travel to states with communities impacted by PFAS to further engage on ways the Agency can best support the work that's being done at the state, local, and tribal levels. Using information from the National Leadership Summit and our community engagement, EPA plans to develop a PFAS Management Plan for release later this year.

I look forward to an engaging and productive meeting. My staff will reach out to your office to provide additional information on the event. If you need more information, please contact Dr. Peter Grevatt, Director of the Office of Ground Water and Drinking Water, at Grevatt.Peter@epa.gov.

Respectfully yours

E. Scott Pruitt



E. SCOTT PRUITT
ADMINISTRATOR

March 19, 2018

The Honorable Chris Sununu
Governor of New Hampshire
Office of the Governor, 25 Capitol Street, Room 212
Concord, New Hampshire, 03301

Dear Governor Sununu:

Protecting public health and ensuring the safety of our nation's land and drinking water are among the U.S. Environmental Protection Agency's (EPA's) highest priorities. Per- and polyfluoroalkyl substances (PFAS) have emerged as a concern in communities across the nation and it is time to come together to identify near-term actions to protect the health of all Americans.

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Respectfully yours,

E. Scott Pruitt





E. SCOTT PRUITT
ADMINISTRATOR

March 19, 2018

The Honorable Phil Scott
Governor of Vermont
109 State Street, Pavilion Office Building
Montpelier, Vermont, 05609

Dear Governor Scott:

Protecting public health and ensuring the safety of our nation's land and drinking water are among the U.S. Environmental Protection Agency's (EPA's) highest priorities. Per- and polyfluoroalkyl substances (PFAS) have emerged as a concern in communities across the nation and it is time to come together to identify near-term actions to protect the health of all Americans.

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I look forward to an engaging and productive meeting. My staff will reach out to your office to provide additional information on the event. If you need more information, please contact Dr. Peter Grevatt, Director of the Office of Ground Water and Drinking Water, at Grevatt.Peter@epa.gov.

Respectfully yours,

E. Scott Pruitt





E. SCOTT PRUITT
ADMINISTRATOR
April 4, 2018

The Honorable Chris Sununu
Governor of New Hampshire
Office of the Governor
25 Capitol Street, Room 212
Concord, New Hampshire 03301

Dear Governor Sununu:

Protecting public health and upgrading our nation's water infrastructure are among the U.S. Environmental Protection Agency's highest priorities. Today, I signed the second round of funding for the Water Infrastructure Finance and Innovation Act (WIFIA) loan program. This year, thanks to the Consolidated Appropriations Act signed by President Donald Trump, we hope to make available as much as \$5.5 billion in loans, which could leverage over \$11 billion in investment for water infrastructure projects.

This new round of WIFIA funding represents an opportunity to incentivize states and municipalities to correct local infrastructure problems, create jobs, and provide clean water for our communities and safe drinking water for our citizens. This year, I am placing the highest priority on projects that keep lead and other contaminants out of drinking water and update our nation's aging drinking water and wastewater infrastructure. Whether projects are in large cities or small towns, in dry or wet areas, on the coast or in the middle of the country, or include a group of small systems that have banded together, I want to encourage all communities to submit a letter of interest.

I hope you will think creatively when you look for opportunities to either forge public-private partnerships or expand the reach of your State Revolving Fund program with WIFIA funds, as Indiana is planning to do with 2017 funds. Other innovative ideas from 2017 include: a membrane treatment facility in Oak Ridge, Tennessee; a comprehensive infrastructure repair, rehabilitation, and replacement program in Baltimore, Maryland; and a combined sewer overflow retention treatment basin in Omaha, Nebraska.

Letters of interest must be submitted by July 6, 2018. More information is available at: www.epa.gov/wifia or your staff may contact Jorianne Jernberg at WIFIA@epa.gov.

Respectfully yours,

A handwritten signature in black ink, which appears to read "Scott Pruitt", is written over the "Respectfully yours," text.

E. Scott Pruitt

1200 PENNSYLVANIA AVE, NW • MAIL CODE 1101A • WASHINGTON, DC 20460 • (202) 564-4700 • FAX: (202) 501-1450



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E. SCOTT PRUITT
ADMINISTRATOR
April 4, 2018

The Honorable Phil Scott
Governor of Vermont
109 State Street
Pavilion Office Building
Montpelier, Vermont 05609

Dear Governor Scott:

Protecting public health and upgrading our nation's water infrastructure are among the U.S. Environmental Protection Agency's highest priorities. Today, I signed the second round of funding for the Water Infrastructure Finance and Innovation Act (WIFIA) loan program. This year, thanks to the Consolidated Appropriations Act signed by President Donald Trump, we hope to make available as much as \$5.5 billion in loans, which could leverage over \$11 billion in investment for water infrastructure projects.

This new round of WIFIA funding represents an opportunity to incentivize states and municipalities to correct local infrastructure problems, create jobs, and provide clean water for our communities and safe drinking water for our citizens. This year, I am placing the highest priority on projects that keep lead and other contaminants out of drinking water and update our nation's aging drinking water and wastewater infrastructure. Whether projects are in large cities or small towns, in dry or wet areas, on the coast or in the middle of the country, or include a group of small systems that have banded together, I want to encourage all communities to submit a letter of interest.

I hope you will think creatively when you look for opportunities to either forge public-private partnerships or expand the reach of your State Revolving Fund program with WIFIA funds, as Indiana is planning to do with 2017 funds. Other innovative ideas from 2017 include: a membrane treatment facility in Oak Ridge, Tennessee; a comprehensive infrastructure repair, rehabilitation, and replacement program in Baltimore, Maryland; and a combined sewer overflow retention treatment basin in Omaha, Nebraska.

Letters of interest must be submitted by July 6, 2018. More information is available at: www.epa.gov/wifia or your staff may contact Jorianne Jernberg at WIFIA@epa.gov.

Respectfully yours,

E. Scott Pruitt

1200 PENNSYLVANIA AVE. NW • MAIL CODE 1101A • WASHINGTON, DC 20460 • (202) 564-4700 • FAX: (202) 501-1450



E. SCOTT PRUITT
ADMINISTRATOR
April 4, 2018

The Honorable Matt Bevin
Governor of Kentucky
700 Capitol Avenue
Suite 100
Frankfort, Kentucky 40601

Dear Governor Bevin:

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E. SCOTT PRUITT
ADMINISTRATOR

April 30, 2018

The Honorable Matt Bevin
Governor of Kentucky
229 West Main Street, Suite 400
Frankfort, Kentucky 40601

Dear Governor Bevin:

I am writing to inform you that the U.S. Environmental Protection Agency has completed additional area designations for the National Ambient Air Quality Standards for ground-level ozone established in 2015. The enclosed table summarizes the portions of Kentucky the agency is designating at this time. These designations are explained more fully in the accompanying technical support document available at: <https://www.epa.gov/ozone-designations/2015-ozone-standards-state-recommendations-epa-responses-and-technical-support>. This action completes area designations for your state.

Improving air quality to protect public health is a shared goal. Through local, state, tribal and national programs, we have made considerable progress to improve ozone air quality throughout the country. Nationwide, monitored levels of ground-level ozone have dropped 31 percent since 1980. I appreciate the work you have done and the partnership we have developed to achieve this reduction.

If you have questions or concerns, please contact me or your staff may contact Troy Lyons, Associate Administrator for the Office of Congressional and Intergovernmental Relations, at lyons.troy@epa.gov, or at (202) 564-5200.

Respectfully yours,

A handwritten signature in black ink, which appears to read "Scott Pruitt", is written over the typed name. The signature is stylized with a large, sweeping initial "S".

E. Scott Pruitt

Enclosure

